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LOCAL ACTS
OF 74515
THE LEGISLATURE

OF THE
STATE OF MICHIGAN
PASSED AT THE
REGULAR SESSION OF 1897
WITH AN APPENDIX

BY AUTHORITY

LANSING, MICH.
ROBERT SMITH PRINTING CO., STATE PRINTERS AND BINDERS
1897

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1897

NOTE.—The words and sentences inclosed in brackets in the following acts were in the bills as passed by the Legislature, but not in the enrolled copies as approved by the Governor.

LIST OF LOCAL ACTS

PASSED BY THE LEGISLATURE OF 1897.

No.	Title.	Page.
290.	An act to authorize the board of education of the union school district of Bay City to issue bonds, payable at a future date with interest	3
291.	An act to legalize the proceedings of the Oakland County Agricultural Society to sell its real estate.....	3
292.	An act to enable the township of Leroy in Ingham county to pay for certain bridges constructed in said township in the year eighteen hundred ninety-one, yet unpaid for, owing to illegalities in the proceedings of the commissioner of highways of said township of Leroy in procuring their construction	5
293.	An act to legalize certain bonds of the county of Mecosta.....	6
294.	An act to change the name of Rose Theresa Sootofskie to Rose Theresa Herman	7
295.	An act to authorize the common council of the village of Houghton in the county of Houghton, to make conveyance of metals and minerals and of the right to mine the same beneath certain land owned by said village.....	7
296.	An act to provide for the collection of delinquent taxes, on personal property remaining unpaid after the first of March in each year, in the county of Wayne.....	8
297.	An act to repeal act number two hundred twenty-one of local acts of eighteen hundred and ninety-three, entitled "An act to provide for the election of overseers of highways by ballot in the township of Ecorse, in the county of Wayne and State of Michigan"	9
298.	An act to repeal act number three hundred and four of [the] local acts of eighteen hundred and ninety-three, entitled "An act to provide for the appointment of two clerks by the township board of the township of Ecorse, in the county of Wayne, to assist in extending the tax rolls of said township".	9
299.	An act to repeal act number three hundred and eighty-four of the local acts of eighteen hundred and ninety-five, entitled "An act to facilitate the construction of sidewalks in road districts number ten and thirteen in the township of Ecorse in the county of Wayne, State of Michigan".....	10

No.	Title.	Page.
300.	An act to change the names of Malcolm McCarty, George McCarty, Rozilla McCarty, Joseph A. McCarty, Lillie M. McCarty, and Concreta McCarty, to Malcolm Mackinzie, George Mackinzie, Rozilla Mackinzie, Joseph A. Mackinzie, Lillie M. Mackinzie, and Concreta Mackinzie.....	10
301.	An act to authorize the board of supervisors of Alcona county, State of Michigan, to issue ten thousand dollars of bonds for the purpose of paying matured orders and existing indebtedness	11
302.	An act to make townships in Huron county primarily liable for the payment of all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, where said county is now primarily liable for such payment	11
303.	An act to amend sections one and two of act number three hundred twenty-six of the local acts of eighteen hundred ninety-five, entitled "An act to authorize the township of Whitney, in Arenac county, Michigan, to borrow money upon its bonds for the improvement of certain highways in that township," approved March thirteenth, eighteen hundred ninety-five	12
304.	An act to amend section one of act number two hundred and fifty-six of local acts of eighteen hundred and ninety-three, approved March sixth, eighteen hundred and ninety-three, entitled "An act to incorporate the village of Grant, in New-aygo county, for the purpose of correcting clerical error in said section one, and to accurately describe the boundaries of said village of Grant".....	13
305.	An act to authorize the township of Hill, in the county of Ogemaw, and State of Michigan, to borrow money to be used in the payment of outstanding orders of said township, and to issue bonds therefor.....	13
306.	An act to provide for a joint cemetery board for the townships of Resort and Bear Creek, and the city of Petoskey, in the county of Emmet, and to regulate the powers and duties thereof	14
307.	An act to provide for the extension, construction and maintenance of the Whitehall road and the Holton road, through the city of North Muskegon, same being county roads of the county of Muskegon, established by the board of county road commissioners of the county of Muskegon.....	17
308.	An act to legalize taxes assessed in the city of Muskegon for the years eighteen hundred ninety to eighteen hundred ninety-five inclusive	18
309.	An act to amend section one of act number two hundred forty-two of the local acts of eighteen hundred eighty-five, entitled "An act to reincorporate the village of Quincy in Branch county," approved February sixteenth, eighteen hundred eighty-five	20

LIST OF LOCAL ACTS.

v

No.	Title.	Page.
310.	An act to amend the charter of the city of Lapeer, being amendatory of an act entitled "An act to reincorporate the city of Lapeer," approved April first, eighteen hundred and seventy-five	21
311.	An act to amend section one of act number three hundred seventy-seven of the local acts of eighteen hundred eighty-seven, entitled "An act to incorporate the village of Sherwood, in Branch county"	22
312.	An act to provide for the transfer of money from the contingent fund of Bay county to the general fund of the board of county road commissioners of Bay county.....	23
313.	An act to amend section two of an act entitled "An act to organize the union school district of the city of Alpena," approved April fourth, eighteen hundred and seventy-three, and the acts amendatory thereof	23
314.	An act to appoint an assistant prosecuting attorney for Kalamazoo county	24
315.	An act to provide for the registration of electors in the city of Alpena	25
316.	An act to reincorporate the city of Ironwood, in the county of Gogebic, and to repeal all acts and parts of acts inconsistent herewith	26
317.	An act to change the name of the township of Pine Plains in the county of Allegan to Valley township.....	80
318.	An act to detach certain territory from the village of East Grand Rapids, in Kent county.....	80
319.	An act to authorize the boards of health of the townships of Bear Creek and Resort, in Emmet county, to convey certain real estate to the Greenwood Cemetery Board.....	81
320.	An act to legalize the assessment and tax rolls of the city of Saginaw and the return of the delinquent taxes thereon to the county treasurer, for the years eighteen hundred and ninety-five and eighteen hundred and ninety-six.....	81
321.	An act to amend and revise the charter of the city of Adrian..	82
322.	An act to amend section forty-nine of chapter two of act number four hundred sixty-eight of the local acts of eighteen hundred ninety-five, entitled "An act to amend and revise chapters one and two of an act entitled 'An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith,' " approved June seventh, eighteen hundred and eighty-three	162
323.	An act to amend section seventeen of chapter seven of act number three hundred and twenty-six of the local acts of eighteen hundred and eighty-three, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith, approved June seventh, eighteen hundred and eighty-three, as amended by act number four hundred and eighty-eight of the local acts of eighteen hundred and eighty-seven"	165

No.	Title.	Page.
324.	An act to authorize the village of Munising, in the county of Alger and State of Michigan, to borrow money with which to purchase or construct a water works plant, or any other public improvement, for said village.....	166
325.	An act to empower the school district of Sault Ste. Marie, in the city of Sault Ste. Marie, in Chippewa county, to bond itself by vote of its electors according to law, in a sum not to exceed (\$50,000.00) fifty thousand dollars in excess of the maximum amount now allowed by law, for the purpose of purchasing school-house sites, building school-houses and equipping and furnishing the same.....	167
326.	An act to authorize the Midland County Agricultural Society, of Midland county, Michigan, to issue its bonds in the sum of fifteen hundred dollars, to pay the indebtedness of said society and to improve its buildings and grounds.....	168
327.	An act to amend section one, two, three, four, five, six, seven, eight, nine, ten, and twelve of act number three hundred and six of the local acts of eighteen hundred and ninety-three, entitled "An act relative to justices courts in the city of Grand Rapids, to reduce the number thereof, and to fix the compensation of such justices, and provide a clerk and offices therefor," approved March twenty-second, eighteen hundred and ninety-three, as amended, and to add ten new sections thereto to stand as sections fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three..	168
328.	An act to vacate the village of Hadley in the county of Lapeer.	175
329.	An act regulating the care of poor persons within St. Clair county	175
330.	A bill to empower school district number one of the city of Ludington to borrow money and issue bonds therefor.....	176
331.	An act to create the fifth ward and to change the boundaries of the first and fourth wards in the city of Owosso, as provided for under section one (1) of chapter three (3) of act two hundred and fifteen of the public acts of eighteen hundred and ninety-five, being an act entitled "An act to provide for the incorporation of cities of the fourth class," approved May twenty-seventh, eighteen hundred and ninety-five.....	177
332.	An act to legalize and make valid certain assessments for lateral sewer purposes, in the city of Negaunee, Marquette county, Michigan, and to provide a method for collecting delinquent assessments thereunder	178
333.	An act to detach certain territory from the Union school district of the city of Owosso, and attach the same to fractional school district number four, of the townships of Owosso and Caledonia	179
334.	An act to provide for the construction of a bridge across the Grand river in the township of Plainfield in the county of Kent, and for the raising of funds to defray the cost and expense thereof	179

No.	Title.	Page.
335.	An act to legalize the taxes assessed in the city of North Muskegon, for the years eighteen hundred ninety-five, and eighteen hundred ninety-six	180
336.	An act to detach certain territory from the township of Negau-nee, in Marquette county, and attach the same to the township of Richmond in said county	181
337.	An act to consolidate fractional school district number five, of the townships of Yates and Cherry Valley in Lake county, and school district number one, of Cherry Valley township in Lake county	182
338.	An act to authorize the township of Tawas, Iosco county, to issue bonds for the purpose of borrowing money with which to pay a judgment debt	183
339.	An act to amend section two (2) of title two (2), of act four hundred and twenty-nine (429), local acts of eighteen hundred and ninety-five (1895), entitled "An act to reincorporate the city of Cadillac, and to create a recorder's court in said city, and to provide for the election and appointment of officers therein, and to prescribe the duties of said recorder," approved May twenty-second, eighteen hundred and ninety-five	183
340.	An act authorizing the city of Tawas City to issue bonds for the purpose of borrowing money with which to pay a judgment debt	184
341.	An act legalizing certain bonds of the county of Muskegon...	185
342.	An act to provide for the construction of a bridge across the Grand river, in the township of Ada, in the county of Kent, and for the raising of funds to defray the cost and expense thereof	185
343.	An act to provide for the payment of a salary to certain town-ship officers in the township of Ecorse, in the county of Wayne, and to fix the amount thereof	186
344.	An act to authorize the village of Laurium, in the county of Houghton, State of Michigan, to borrow money and issue bonds therefor to the amount of thirty-five thousand dollars, for the purpose of constructing sewers and establishing a sewer system	187
345.	An act to vacate the townships of Mount Pindus, Atherton and Harmon, in the county of Oscoda, and to incorporate their territory within the adjoining and adjacent township of Big Creek, in Oscoda county	188
346.	An act to incorporate the public schools of the city of Iron-wood, in the county of Gogebic, and to repeal all acts and parts of acts inconsistent therewith	189
347.	An act to vacate the township of Greenwood, in the county of Oscoda, and to incorporate its territory within the adjoining township of Elmer in Oscoda county	190
348.	An act to authorize the village of Allegan, in the county of Allegan, Michigan, to borrow money for the purpose of im- proving the dam and water power in the village of Allegan..	191

No.	Title.	Page.
349.	An act to amend act number three hundred and twenty-one of the local acts of eighteen hundred and ninety-three, entitled "An act to reincorporate the city of Gladstone, in the county of Delta, and to repeal all acts or parts of acts inconsistent with the provisions of this act," approved March twenty-seventh, eighteen hundred and ninety-three, as amended by act number four hundred and seven of the local acts of eighteen hundred and ninety-five, by amending chapter two, section seven of chapter five, section four of chapter six, and section one of chapter seven, said last named section being entitled "Compensation of officers," and also by amending section two of chapter twenty-six, section three of chapter twenty-seven, and sections three, four, five and fifteen of chapter twenty-nine, and to amend and renumber sections one and two, entitled "Compensation of officers," of chapter seven, the same to stand as sections forty-five and forty-six of chapter seven, and to add to said act a new section to chapter seven, to be known as section forty-four; twenty-three new sections to chapter twenty-six to be known as sections three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five; to add a section to chapter twenty-eight to be known as section twenty-nine, and to add a new chapter to said act to be known chapter thirty-two	193
350.	An act to authorize the Home Mutual Insurance Company (limited) to assume the liabilities and reinsure the risks of The Home Mutual Fire Insurance Company of Bay, Arenac and Ogemaw counties, and to insure detached manufacturing and mercantile risks	210
351.	An act to amend sections four, six, nine, nineteen, thirty-one, thirty-three, thirty-five, forty-four, forty-eight and ninety-five of act number two hundred and forty-nine of the local acts of eighteen hundred and seventy-one, entitled "An act to incorporate the city of Alpena," approved March twenty-ninth, eighteen hundred and seventy-one, as amended.....	211
352.	An act to amend sections twenty-six, thirty-three, thirty-seven, thirty-nine, forty-seven, eighty-nine, one hundred and two and one hundred and eight, and to repeal subdivision three of section thirty-nine of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the city of Ionia," approved March twenty-first, eighteen hundred seventy-three, and all acts and parts of acts amendatory of said sections, and to add thereto two new sections to stand as sections one hundred and sixteen and one hundred and seventeen	224
353.	An act to create a light and power commission in the city of Marquette, Michigan, and to define its powers and duties....	237

No.	Title.	Page.
354.	An act to amend act number four hundred and sixty-six (466) of the local acts of one thousand eight hundred and ninety-five (1895), being an act to reincorporate the city of North Muskegon, in Muskegon county, and to detach certain territory from the township of Laketon in said county and attach the same to said city, and to detach certain territory from the former city of North Muskegon and attach the same to the town of Laketon, and to repeal act number two hundred and fifteen (215) of the local acts of one thousand eight hundred and ninety-one (1891), entitled "An act to incorporate the city of North Muskegon, in Muskegon county, and to detach cerkegon, in Muskegon county, and to detach certain territory tain territory from Muskegon township in said county and attach the same to said city, and to repeal act number one hundred and fifty-nine of the local acts of one thousand eight hundred and eighty-one (1881), entitled 'An act to incorporate the village of North Muskegon,' " by amending sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, and fourteen of chapter eight, and by adding one new section to chapter eleven of said acts, being section nine.	243
355.	An act to amend section thirteen of chapter seven; sections two, six and eight of chapter nine, and sections two, seven, eight, ten, twelve, thirteen, fourteen, sixteen, eighteen, nineteen and twenty-two of chapter twelve of an act entitled "An act to amend and revise the charter of the city of Marquette, Marquette county," approved March twenty-seven, eighteen hundred and ninety-one, as amended by act number three hundred and twenty-three of the local acts of the year eighteen hundred and ninety-three, and as amended by act number four hundred and nine of the local acts of the year eighteen hundred and ninety-five; and to add three new sections thereto to stand as sections thirty-seven, thirty-eight and thirty-nine of chapter twelve; and to repeal all acts or parts of acts contravening the provisions of this act.	249
356.	An act to amend section two of act number three hundred forty-eight of the session laws of eighteen hundred and ninety-one, entitled "An act to incorporate the city of St. Joseph, in Berrien county, and to repeal act number two hundred sixty-seven of the session laws of eighteen hundred seventy-three, and all acts amendatory thereof," approved June fifth, eighteen hundred ninety-one.	261
357.	An act to allow the board of education of the township of Burt, in the county of Alger, to bond the township for school purposes	262
358.	An act to form and incorporate school district number six in Colfax township, Huron county, Michigan.	263
359.	An act to authorize the township of Carrollton, of Saginaw county, to borrow money on its faith and credit to be used in the construction of a stone road along the highway known	

No.	Title.	Page.
	as the Carrollton road in said township from the point where the said Carrollton road intersects the F. and P. M. R. R., thence northerly along said highway to the south line of the township of Zilwaukee and to issue bonds therefor.....	264
360.	An act to change the name of Margaret Matilda Hutchinson, seven hundred and one Center street, corner of Monroe street in the city of Bay City, county of Bay, and State of Michigan, to Margaret Matilda Shearer, (adopted daughter of Mrs. James Shearer)	266
361.	An act to authorize a change of date of the meeting of the board of supervisors of Bay county as provided for by section three hundred and twenty-four, page one hundred and sixty-seven, of Howell's annotated statutes of the State of Michigan....	266
362.	An act to authorize and empower the boards of school inspectors of the townships of Riley and Berlin, in the county of St. Clair, to rent a portion of the school house situated in the township of Riley.....	267
363.	An act to vacate the township of Galilee, in Charlevoix county, and attach the same to the township of Peaine, in said county	267
364.	An act to revise and amend the charter of the city of Muskegon, and to repealing all conflicting acts relating thereto....	268
365.	An act to amend the title and sections one and two of act number three hundred and ninety-one of the local acts of eighteen hundred and ninety-five relative to the care of persons sick with contagious diseases in St. Clair county, entitled "An act to make townships, cities and villages in St. Clair county primarily liable for the payment of all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health or incurred in preventing the spread of such diseases where said county is now primarily liable for such payment".....	345
366.	An act to vacate the township of Chandler, in Charlevoix county, and attach the same to the township of Peaine, in said county	346
367.	An act to amend section one of act number four hundred thirty of the local acts of eighteen hundred ninety-five, entitled "An act to authorize the city of Gladstone, in the county of Delta, and State of Michigan, to borrow money and issue the bonds of said city therefor, to be used in paying any judgment that may be rendered against said city in any cause now pending in any United States court".....	346
368.	An act to provide for an additional voting precinct in the township of Stephenson, county of Menominee, to be known as voting precinct number three.....	347
369.	An act to amend section three of chapter one of act number three hundred and ninety-one of the local acts of eighteen hundred and ninety-three, being an act entitled "An act to revise and amend the charter of the city of St. Clair," approved May twentieth, eighteen hundred and ninety-three, so	

No.	Title.	Page.
	as to create a new ward in the city of St. Clair and to change the boundaries of the first and second wards therein, and to provide for the election of aldermen in wards one and three, and defining their terms of office; and also for the creating of boards of elections and registration in said city..	348
370.	An act to authorize the board of supervisors of Chippewa county to bond said county for the sum of forty thousand dollars for a period not to exceed fifteen years to pay an indebtedness to the State of Michigan, and other indebtedness already incurred	350
371.	An act to amend sections number one, three, seven, eleven, fourteen, seventeen, twenty, thirty, thirty-six, thirty-seven, sixty-three, seventy-five, eighty-two and ninety-seven of act number fifty-three of the session laws of eighteen hundred and fifty-nine, entitled "An act to incorporate the city of Battle Creek," approved February third, eighteen hundred and fifty-nine, as revised and amended by the several acts revisionary and amendatory thereof, approved April ninth, eighteen hundred and eighty-seven, and as amended by act number three hundred and eighty-four of the session laws of eighteen hundred and eighty-nine, approved May ninth, eighteen hundred and eighty-nine, and as amended by act number three hundred and thirty-one of the session laws of eighteen hundred and ninety-one, approved May twenty-second, eighteen hundred and ninety-one, and as amended by act number three hundred and twelve of the session laws of eighteen hundred and ninety-three, approved March twenty-second, eighteen hundred and ninety-three, and as amended by act number four hundred and eighteen of the session laws of eighteen hundred and ninety-five, approved May seventeenth, eighteen hundred and ninety-five	351
372.	An act to authorize the village of Sand Beach in the county of Huron to borrow money and issue bonds therefor, for the purpose of erecting a water-works plant.....	383
373.	An act for the relief of John Leak, treasurer of the township of Claybanks in the county of Oceana, in the State of Michigan, from liability on account of his loss of township funds through the failure of the Whitehall State Savings Bank; to authorize the issue and sale of township bonds therefor and the payment of the same by a tax upon the taxable property of said township.....	384
374.	An act to revise the charter of the city of Grand Rapids.....	387
375.	An act to authorize the city of Iron Mountain to appropriate money for the construction and maintenance of a highway through the township of Breitung, in the county of Dickinson.	511
376.	An act to amend the charter of the city of Jackson, to repeal certain sections thereof and to add certain sections thereto..	512
377.	An act to repeal act four hundred and fifty-one (451) of the local acts of the year eighteen hundred ninety-five (1895).	

No.	Title.	Page.
	entitled "An act to constitute the president of the village of Harbor Springs and the mayor of the city of Petoskey <i>ex officio</i> members of the board of supervisors of Emmet county..	530
378.	An act to legalize certain records of title in Crawford county..	530
379.	An act to amend sections twenty-two and twenty-three of act number four hundred and seventy-nine of the local acts of one thousand eight hundred and seventy-one, being an act entitled "An act to establish a police government for the city of Detroit," approved April seventeenth, one thousand eight hundred and seventy-one, and the acts amendatory thereof..	531
380.	An act to amend section ten of act number three hundred and eighty-eight of the local acts of eighteen hundred and eighty-nine, being an act entitled "An act supplemental to the charter of the city of Detroit, and relating to parks, boulevards, and other public grounds in said city, and to repeal act number three hundred seventy-four of the local acts of eighteen hundred seventy-nine, entitled 'An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the city of Detroit and through portions of the townships of Hamtramck, Greenfield, and Springwells in the county of Wayne,' approved May twenty-first, eighteen hundred and seventy-nine," and the acts amendatory thereof....	532
381.	An act to provide for the strengthening and betterment of the "Merrill bridge" in the township of James, Saginaw county, by the issue of bonds by the townships of James, Fremont and Swan Creek	534
382.	An act to authorize the board of supervisors of Saginaw county to pay its committees during the time the board is not in session, and when so first authorized by the board to serve and the time each member of said committees may serve in any one year.....	536
383.	An act to amend act number two hundred and fifty of the session laws of eighteen hundred and seventy-three, entitled "An act to revise the charter of the city of Coldwater" being amendatory of an act, entitled "An act to incorporate the city of Coldwater," approved February twenty-eighth, eighteen hundred sixty-one, as amended by several acts amendatory thereof, approved April seventeenth, eighteen hundred seventy-three and an amendatory act, approved May eleventh, eighteen hundred eighty-nine, by adding nine new sections thereto to stand as sections sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four and seventy-five	537
384.	An act to amend section one of chapter two of act number four hundred and sixty-eight of the local acts of eighteen hundred and ninety-five, being an act entitled "An act to amend and revise chapters one and two of an act entitled 'An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith,'" approved June seventh, eighteen hundred and eighty-three.....	539

No.	Title.	Page.
385.	An act to amend section three of act number two hundred and forty-nine of the local acts of eighteen hundred and seventy-one, entitled "An act to incorporate the city of Alpena," approved March twenty-ninth, eighteen hundred and seventy-one, as amended	540
386.	An act to confer power and authority upon the common council of the village of Lake Linden to purchase and acquire property and to erect all proper and necessary structures in connection therewith, without as well as within the corporate limits of said village, and to hold and maintain the same, for the sole purpose of supplying said village and the inhabitants thereof with water	542
387.	An act to amend act number three hundred and sixty of the session laws of eighteen hundred and seventy-one, being an act entitled "An act to create a fire commission in the city of Detroit," approved March eighteenth, eighteen hundred and seventy-one, as amended by act number three hundred and sixty-four of the local acts of eighteen hundred and seventy-seven, approved May twenty-third, eighteen hundred and seventy-seven, by amending sections eleven, twelve and thirty-five thereof	543
388.	An act to amend act number four hundred and two of the local acts of the State of Michigan, for the year one thousand eight hundred and ninety-five, being an act entitled "An act to amend section two of act number three hundred and seventy-nine, of the local acts of the State of Michigan," for the year one thousand eight hundred and ninety-one, entitled "An act to provide for the compensation and to prescribe the duties of certain officers of the county of Kent," approved June twenty-sixth, eighteen hundred and ninety-one	544
389.	An act to amend chapter eight by adding thereto three new sections to stand as sections twenty-one, twenty-two and twenty-three of act number three hundred thirty-three of the session laws of eighteen hundred eighty-nine, approved March thirteenth, eighteen hundred eighty-nine, entitled "An act to incorporate the city of Cheboygan and to repeal an act entitled 'An act to reincorporate the village of Cheboygan in the county of Cheboygan,' approved March twenty-seventh, eighteen hundred seventy-seven"	546
390.	An act to allow the village of Yale, in the county of St. Clair and State of Michigan, to borrow money and issue bonds in the sum of ten per cent of the assessed valuation of said village, as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing, constructing and maintaining water works, as provided for in act number three of the session laws of eighteen hundred ninety-five	547
391.	An act to repeal act number two hundred ninety-nine of local acts of eighteen hundred ninety-five, entitled "An act to provide for selecting and drawing jurors for the circuit court for the county of Bay"	548

No.	Title.	Page.
392.	An act to amend sections five, nine, ten, eleven and thirteen of act number three hundred and fourteen of local acts of the session laws of eighteen hundred and eighty-five, approved April second, eighteen hundred and eighty-five, entitled "An act to incorporate the public schools of the township of Bangor, Bay county"	548
393.	An act to make townships and cities in Lapeer county primarily liable for the payment of all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to public health, or incurred in preventing the spread of such diseases, where said county is now primarily liable for such payment	550
394.	An act to authorize the village of Sand Beach in the county of Huron to issue bonds for the purpose of erecting a water works plant	551
395.	An act to detach certain territory from the present township of Plymouth, in Wayne county, and to organize the same into a separate township to be known as the township of Northville, in said county	552
396.	An act to constitute the president of the village of Essexville <i>ex officio</i> member of the board of supervisors of Bay county..	552
397.	An act to authorize the township of Arenac, in the county of Arenac, to borrow money upon its bonds for the improvement with stone of certain highways in that township and to appoint a special commissioner to make such improvements..	553
398.	An act to authorize the city of Sault Ste. Marie to borrow money to refund certain outstanding indebtedness, and issue bonds therefor	556
399.	An act to amend chapter thirty of act number four hundred thirty-four of the local acts of the State of Michigan for the year one thousand eight hundred ninety-five, entitled "An act to incorporate the city of Three Rivers, and to repeal act number one hundred and sixty-one of the session laws of eighteen hundred fifty-five, entitled 'An act to incorporate the village of Three Rivers,' approved February thirteenth, eighteen hundred fifty-five, and all amendments thereto," by adding eight new sections to said chapter thirty to stand as sections two, three, four, five, six, seven, eight and nine..	399
400.	An act to revise and amend the charter of the city of Flint....	560
401.	An act to authorize the township board of the township of Lockport, in the county of St. Joseph, and State of Michigan, to sell to the city of Three Rivers in said county, all the interest of said township of Lockport in the library known as The Three Rivers Free Public Library of the Township of Lockport, or to effect a division of said library between said township and said city by agreement with the city council thereof	610
402.	An act to organize the township of Beaver Creek in the county of Crawford into a union school district.....	611

No.	Title.	Page.
403.	An act to provide for the payment of fees to the county of Bay and the clerk thereof in suits and proceedings in the circuit court for said county	616
404.	An act to authorize the common council of the village of Caro, in the county of Tuscola to permit the laying of a railway track in, along and across the streets, highways, alleys and public places in the village of Caro, and the operation of such road by means of steam, electric or other motive power..	617
405.	An act providing for four voting districts for the township of Hancock, in the county of Houghton, defining the limits thereof, providing for a new registration of the voters thereof, determining who shall be inspectors of election therein, and to repeal act number three hundred and forty of the local acts of eighteen hundred and eighty-nine, and other acts inconsistent with this act.....	618
406.	An act to amend section thirty-seven, of title thirty-three of local act number four hundred twenty-four of the local acts of eighteen hundred and ninety-five, being an act to incorporate the city of Traverse City, approved May eighteenth, eighteen hundred and ninety-five	620
407.	An act to authorize the city of Grand Rapids to issue its bonds for the improvement of the navigation of Grand river, to provide for the disposal of the proceeds of such bonds, and for the appointment of a board of commissioners to take charge of such improvement, and to prescribe their powers and duties	621
408.	An act making the president of the village of Roscommon, in the county of Roscommon, <i>ex officio</i> , a member of the board of supervisors of the county of Roscommon.....	628
409.	An act to incorporate the public schools of the township of Foster, Ogemaw county	628
410.	An act to authorize the county of Dickinson, in conjunction with the proper authorities of Wisconsin, to build and maintain a bridge across the Menominee river	633
411.	An act to provide for a joint cemetery board for the townships of Little Traverse and West Traverse and the village of Harbor Springs, in the county of Emmet, and to regulate the powers and duties thereof	633
412.	An act to amend section one of act four hundred fifty-eight, laws of eighteen hundred seventy-one, entitled "An act to provide for the publication of lists of claims allowed by the board of county auditors for the county of Wayne.....	636
413.	An act to amend section three of act number ten of the public acts of eighteen hundred and ninety-five, being an act entitled "An act to establish a board of health for the city of Detroit," approved February twenty-seventh, eighteen hundred and ninety-five, and to repeal all acts and parts of acts inconsistent therewith	637

No.	Title.	Page.
414.	An act to provide for making the president of the village of Manistique, <i>ex officio</i> , a member of the board of supervisors of Schoolcraft county	639
415.	An act to authorize the townships of Hampton, Portsmouth and Merritt, and the incorporated villages in said townships in the county of Bay, to permit the laying of a railway track in, along and across the highways, and the operation of a railway by means of electric or other motive power except steam power, within said townships or either of them.....	639
416.	An act to amend the charter of the city of Lansing, being act number four hundred five of the local acts of eighteen hundred ninety-three, approved May twenty-third, eighteen hundred ninety-three, as amended by act number four hundred fifty-three of the local acts of eighteen hundred ninety-five, approved May twenty-eighth, eighteen hundred ninety-five by amending sections three, six, twelve, fifteen and nineteen of title three; sections thirty-three and thirty-nine of title four; sections fifteen, eighteen and thirty-one of title five; sections two, three, four, six, eight, eleven, twelve, and thirteen of title eleven; sections two, three, nine, ten, sixteen and seventeen of title twelve; sections six and fourteen of title thirteen and section one of title eighteen of said act; adding five new sections to title four to stand as sections forty-six, forty-seven, forty-eight, forty-nine and fifty and repealing title ten of said act and renumbering titles eleven to nineteen inclusive, so as to stand as titles ten to eighteen respectively	641
417.	An act to amend section two of chapter two and section sixteen of chapter fourteen and adding two sections to chapter fourteen to be known as sections seventeen and eighteen, of act two hundred and fifty-one of local acts of eighteen hundred ninety-one, as amended by act three hundred and fifty-six of local acts of eighteen hundred ninety-five, entitled "An act to revise and amend the charter of the city of Ishpeming".	654
418.	An act to authorize the townships of Grant, Burtchville, Clyde, Fort Gratiot and Port Huron, in the county of St. Clair, to permit the laying of a railway track in, along and across the highways and the operation of a railway by means of electric or other motive power except steam power, within said townships or either of them.....	655
419.	An act to authorize the townships of Sand Beach, Sigel, Paris, Verona and Bingham, and the villages of Sand Beach and Uby, in the county of Huron, to permit the operation of a railway by means of electric or other motive power except steam power, and the laying of a railway track in, along and across the highways within said townships and villages or any of them	657
420.	An act to authorize the townships of Lamotte, Marlette, Moore, Elmer, Argyle, Austin, Greenleaf, Evergreen, Custer, Watertown, Bridgehampton, Washington, Buel, Sanilac, Lexington,	

No.	Title.	Page.
	and Worth, and the incorporated villages in said townships, in the county of Sanilac, to permit the laying of a railway track in, along and across the highways and the operation of a railway by means of electric or other motive power except steam power, within said townships or either of them	658
421.	An act to authorize the townships of Wisner, Gilford, Akron, Fairgrove, Columbia, Almer, Indian Fields, Elmwood, Ellington, Wells, Dayton, Elkland, Kingston and Koylton, and the incorporated villages in said townships in the county of Tuscola, to permit the laying of a railway track in, along and across the highways, and the operation of a railway by means of an electric or other power except steam power, within said townships or either of them.....	659
422.	An act to detach certain territory from the township of Clement and from the township of Gladwin, in the county of Gladwin, and to organize such territory into the township of Bourrett..	661
423.	An act to remove bars and obstructions in Maple river, to straighten and deepen the channel thereof, and to authorize an appropriation of lands therefor	662
424.	An act to authorize the city of Saginaw to borrow money for the purpose of refunding the sewer bonds of the western taxing district, to issue now bonds therefor.....	665
425.	An act to authorize the village of Farwell to compromise and refund its indebtedness	666
426.	An act to amend section one of chapter twenty-six of act number three hundred and twenty-two of the local acts of eighteen hundred and ninety-three, being an act to incorporate the city of Grand Ledge	667
427.	An act to amend act number three hundred and sixty of the local acts of the year eighteen hundred and seventy-one, being an act entitled "An act to create a fire commission in the city of Detroit," approved March eighteenth, eighteen hundred and seventy-one, as amended by act number three hundred and sixty-four of the local acts of eighteen hundred and seventy-seven, approved May twenty-third, eighteen hundred and seventy-seven	668
428.	An act providing for the appointment, fixing the compensation, and defining the duties of stenographer for the probate court for the county of Lapeer, and for the taking and transcribing of testimony on examination of persons charged with criminal offenses in the county of Lapeer.....	668
429.	An act to amend "sections three, four and five of act four hundred twenty-nine of the local acts of eighteen hundred eighty-seven," entitled an act to revise and amend an act entitled "An act to organize the union school district of Bay City," approved April thirteenth, eighteen hundred and eighty-seven, and to add one new section thereto, to stand as section twenty.....	671

No.	Title.	Page.
430.	An act to legalize the return made by the county treasurer of Mason county, of the delinquent taxes of said county, for the year one thousand eight hundred ninety-five, and to provide for the collection of such delinquent taxes.....	674
431.	An act to provide for the construction of a drain in the townships of Albee, Spalding, Bridgport and Taymouth in the county of Saginaw, and to authorize the board of control of the State swamp lands to make an appropriation of State swamp lands for that purpose.....	674
432.	An act to amend section thirteen of act number eighty-four of the local acts of eighteen hundred and sixty-one, being an act entitled "An act to incorporate the city of Coldwater," approved February twenty-eighth, eighteen hundred and sixty-one, as amended by the several acts amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith....	675
433.	An act to organize the union school district of the township of Forest, in Cheboygan county	678
434.	An act to organize the union school district of the township of Waverly, in Cheboygan county	680
435.	An act to authorize the township of Gladwin, in Gladwin county, to borrow money to be used in paying outstanding indebtedness of said township and to issue bonds therefor....	682
436.	An act to disorganize school district number seven (7) in the township of Worth, Sanilac county, Michigan, and attach the territory of said school district to school districts numbers three and eight in said township.....	683
437.	An act to amend sections two hundred and four, two hundred and twelve and two hundred and forty-three of the charter of the city of Ypsilanti.....	683
438.	An act providing for the appointment, fixing the compensation and defining the duties of stenographer for the probate court for the county of Genesee, and for the taking and transcribing of testimony on examination of persons charged with criminal offenses in said county	684
439.	An act to amend section one, of act number one hundred and fifty-three, of the session laws of eighteen hundred sixty-one, being an act entitled "An act to incorporate the public schools of the city of Adrian," approved March thirteenth, eighteen hundred sixty-one, as amended by act number three hundred forty-one of the session laws of eighteen hundred sixty-nine, approved March twenty-fourth, eighteen hundred sixty-nine..	686
440.	An act to amend act number two hundred and fifty-one of the laws of eighteen hundred and forty-eight, entitled "An act to incorporate the Detroit and Erin Plank Road Company," by adding a new section thereto to stand as section nine.....	688
441.	An act to provide for the sale of State tax lands within the incorporated village of Atlanta.....	688
442.	An act to amend and revise the charter of West Bay City, and to repeal all acts and parts of acts inconsistent therewith....	689

No.	Title.	Page.
443.	An act to provide for the construction of a drain in the township of Au Gres, Arenac county, from Duck Lake to Au Gres river and authorizing the board of control of State swamp lands to make an appropriation of State swamp lands for said purpose	801
444.	An act to set aside a part of fractional school district number one of the townships of Shelby and Sterling, in the county of Macomb and make a new district thereof.....	801
445.	An act to amend section four of chapter two; sections one, three, five, six and ten of chapter three; sections three, four, five and nine of chapter five; sections five and six of chapter six; section eighteen of chapter seven; sections one, two, three and four of chapter eight; sections two, four, seven, ten, fifteen eighteen and nineteen of chapter nine; sections four, five and ten of chapter twelve; sections one, two, four, nine, sixteen, nineteen, twenty-two, and twenty-five of chapter fourteen; sections one, six and seven of chapter fifteen; section five of chapter sixteen; sections six, seven, fourteen and thirty-one of chapter seventeen, of act number three hundred and ninety of the local acts of eighteen hundred and eighty-five entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeenth, eighteen hundred and eighty-five and the amendments thereto and to add a new chapter thereto to stand as chapter twenty-one.....	802
446.	An act to amend section one of chapter eleven and sections four and eight of chapter twenty-seven of act number four hundred and thirty-four of the session laws of eighteen hundred and ninety-five, entitled "An act to incorporate the city of Three Rivers and to repeal act number one hundred and sixty-one of the session laws of eighteen hundred and fifty-five, entitled 'An act to incorporate the village of Three Rivers,' approved February thirteenth, eighteen hundred and fifty-five and all amendments thereto".....	824
447.	An act to authorize the board of education of the city of Cheboygan to borrow money and issue bonds for the purpose of paying floating indebtedness, and to provide for the payment thereof	829
448.	An act to revise and amend act number three hundred and forty-six of the local acts of eighteen hundred and eighty-one, entitled "An act to revise an act to incorporate the city of Bay City," approved March thirtieth, eighteen hundred and eighty-one, as amended and revised by the several acts amendatory and revisionary thereof.....	830
449.	An act to amend section one of an act, entitled "An act to authorize the board of supervisors of Bay county to fix the compensation to be paid to members of committees of said board, for committee work done by its order," being act number four hundred and thirty-two of local acts of eighteen hundred and ninety-five	906

No.	Title.	Page.
450.	An act to authorize the board of supervisors of Bay county to fix the compensation to be paid to the chairman of said board for services rendered as chairman of said board.....	907
451.	An act to amend section eleven of an act, entitled "An act supplemental to the charter of the city of Detroit, and relating to parks, boulevards and other public grounds in said city, and to repeal act number three hundred and seventy-four of the local acts of eighteen hundred and seventy-nine, entitled "An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the city of Detroit and through portions of the townships of Hamtramck, Greenfield and Springwells in the county of Wayne," approved May twenty-one, eighteen hundred and seventy-nine.....	907
452.	An act to organize and incorporate the townships of Big Creek and Mentor into a single school district and to repeal all acts or parts of acts in anywise contravening the provisions of this act	908
453.	An act to consolidate school districts numbers one and seventeen of the city of Jackson and townships of Blackman and Summit, to be known as union school district of the city of Jackson, to define its rights, powers and duties, and to provide for its government and the management and control of its schools	913
454.	An act to authorize and direct the Commissioner of the State Land Office of this State to issue a patent to Phases Shannon for the northeast quarter (N. E. $\frac{1}{4}$) of the southeast quarter (S. E. $\frac{1}{4}$) of section sixteen (16), township twenty-six (26) north, of range eight (8) west, confirming the title thereto in Phases Shannon	921
455.	An act to amend sections one and two of chapter two; sections six and seven of chapter four; sections seven, ten, eleven, twelve, fifteen, sixteen, eighteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty, thirty-one, thirty-two, thirty-six, thirty-seven, and thirty-eight of chapter five; sections two, six, nine, thirteen, fourteen, seventeen, eighteen of chapter six; sections one and twelve of chapter eight; sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve and thirteen of chapter nine; section two of chapter eleven; section one of chapter twelve; sections one and three of chapter seventeen; sections one, two, three, four and five of chapter nineteen; sections one and two of chapter twenty-two; sections ten and twenty-two of chapter twenty-three; sections one, two, three, four and five of chapter twenty-five, of an act entitled "An act to incorporate the city of Sault Saint Marie, and to repeal an act entitled 'An act to reincorporate the village of Sault Saint Marie, approved May twenty-ninth, eighteen hundred and ninety-seven, as amended'," being act number five hundred and thirty-three of the laws of eighteen hundred and	

No.	Title.	Page.
	eighty-seven, approved June twenty-first, eighteen hundred and eighty-seven, as amended by the several acts amendatory thereof; and to add to chapter twenty-three of said act one new section, to stand as section twenty-three; and to add to chapter twenty-five of said act fifteen new sections, to stand as sections six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty	922
456.	An act to incorporate the public schools of district number nine of North Star, and enlarge its boundaries.....	951
457.	An act to authorize the city of Sturgis, in the county of Saint Joseph, to borrow money and to issue bonds therefor, for the purpose of making public improvements, including the construction and erection of public buildings and the purchase of sites therefor	953
458.	An act to authorize the counties of Antrim and Kalkaska to build and maintain a bridge across the Torch river, and appropriate the money therefor; to levy the same in the general taxes upon such counties, and collect in the usual manner of collecting taxes	954
459.	An act to establish a sinking fund in Bay county, and to provide for the levying of a tax for the payment of bonds as they may become due	955
460.	An act to amend section ten of chapter ten of an act, entitled "An act to provide for a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three..	956
461.	An act to amend section three of chapter one of an act, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three, as amended by act number three hundred twenty-four of the public acts of eighteen hundred ninety-one, approved May thirteenth, eighteen hundred ninety-one.....	958
462.	An act to legalize and give full effect to a conveyance of certain land made by the Board of Control of the Michigan Mining School to Florence E. Hubbell.....	960
463.	An act to amend an act, entitled "An act to establish a bridge district in Bay county and to provide for the appointment and election of commissioners and for the construction, care and maintenance of bridges therein," approved January twenty-eight, eighteen hundred and eighty-nine, being act number two hundred and seventy-eight of the local acts of eighteen hundred and eighty-nine.....	964
464.	An act to provide for the straightening, opening, deepening and widening of Mud creek in Hebron township, Cheboygan county, and authorizing the board of control of State swamp lands to make an appropriation of State swamp lands for said purpose	962

No.	Title.	Page.
465.	An act to revise and amend the charter of the city of Saginaw as existing under an act entitled "An act to annex the territory embraced within the city of East Saginaw to that of the city of Saginaw, and to consolidate the city of East Saginaw with Saginaw, under the name of the city of Saginaw; to specify and fix the boundaries of the consolidated city; to provide for the assuming and payment of the indebtedness and liabilities of the present cities of East Saginaw and Saginaw, and for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said city of Saginaw as so consolidated, and to repeal all acts inconsistent herewith," and acts supplementary and amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith	962
466.	An act to amend an act, entitled "An act to organize the union school district of Bay City," approved March twenty, eighteen hundred and sixty-seven, by adding a new section to stand as section twenty-one	1079
467.	An act to provide legal counsel for the board of county road commissioners of Bay county, and to require the prosecuting attorney of Bay county to act as legal counsel and adviser of said commissioners	1080
468.	An act to amend the charter of union school district, Saginaw, West side	1080
469.	An act to amend section one hundred eighty-six of an act entitled "An act to reincorporate the city of Ann Arbor, revise the charter of said city and repeal all conflicting acts relating thereto, being act number three hundred and thirty-one [331] of the local acts of Michigan of eighteen hundred eighty-nine, approved March fifteen, eighteen hundred eighty-nine, as amended by act number two hundred and sixty-two [262] of the local acts of eighteen hundred ninety-one, approved March twenty-eight, eighteen hundred ninety-one, as amended by act number two hundred and eighty-two [282] of the local acts of eighteen hundred ninety-one, approved April ten, eighteen hundred ninety-one, as amended by act number three hundred and sixty-eight [368] of the local acts of eighteen hundred ninety-three, approved April twenty-seven, eighteen hundred ninety-three, and as amended by act number three hundred [and] thirty-six [336] of the local acts of eighteen hundred ninety-five, approved March fifteen, eighteen hundred ninety-five	1086
470.	An act to amend an act, entitled "An act to establish a bridge district in Bay county and to provide for the appointment and election of commissioners and for the construction, care and maintenance of bridges therein," approved January twenty-eighth, eighteen hundred and eighty-nine, being act number two hundred and seventy-eight of the local acts of eighteen hundred and eighty-nine	1088

No.	Title.	Page.
471.	An act to provide for issuing bonds, by the townships in the counties of Sanilac, Huron, and Tuscola for raising money to construct and maintain drains.....	1089
472.	An act to authorize the boards of health of the townships of West Traverse and Little Traverse in Emmet county, to convey certain real estate to the "Lake View cemetery board".....	1092
473.	An act to amend sections ten and thirteen of an act entitled "An act to provide for a joint cemetery board for the townships of Little Traverse, and West Traverse and the village of Harbor Springs in the county of Emmet, and to regulate the powers and duties thereof, approved April twenty-eighth, eighteen hundred and ninety-seven.....	1093
474.	An act to amend section four of chapter one of act number three hundred and twenty-six of the local acts of eighteen hundred and eighty-three, being an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred and eighty-three, as amended by act number three hundred and twenty-four of the local acts of eighteen hundred and ninety-one, approved May fifteenth, eighteen hundred and ninety-one, by changing the boundaries of the fifteenth ward in said city and creating a new ward therefrom to be known as the seventeenth ward.....	1094
475.	An act to reincorporate the city of Kalamazoo and to repeal an act entitled "An act to incorporate the city of Kalamazoo," and to repeal an act entitled "An act to reincorporate the village of Kalamazoo, and to repeal all inconsistent acts and parts of acts," approved March fifteenth, eighteen hundred and sixty-one, as amended by the several acts amendatory thereof," approved June eighth, eighteen hundred and eighty-three, as amended by the several acts amendatory thereof, and to repeal all inconsistent acts and parts of acts.....	1096
476.	An act to amend section forty-four of chapter eleven, of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three, as amended by act number four hundred sixty-three of the session laws of eighteen hundred ninety-five.....	1181
477.	An act to amend section twenty-eight of an act entitled "An act to amend the laws relative to supplying the city of Detroit with pure and wholesome water," approved February fourteenth, eighteen hundred and fifty-three, being act number ninety of the acts of eighteen hundred and fifty-three, as amended by the various acts amendatory thereof.....	1183
478.	An act to amend section thirteen of chapter seven of an act, entitled "An act to provide for a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith,"	

No.	Title.	Page.
	approved June seventh, eighteen hundred and eighty-three, as amended by an act approved June second, eighteen hun- dred and eighty-seven	1185
479.	An act to amend section five of chapter five of an act, entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," ap- proved June seventh, eighteen hundred and eighty-three....	1186

LOCAL ACTS

OF

THE LEGISLATURE

1897

LOCAL ACTS, 1897.

[No. 290.]

AN ACT to authorize the board of education of the union school district of Bay City to issue bonds, payable at a future date with interest.

SECTION 1. *The People of the State of Michigan enact*, That the board of education of the union school district of Bay City is hereby authorized to issue bonds, payable at a future date, not more than four (4) years from the date of issue, and drawing interest at the rate not exceeding six (6) per cent per annum, payable semi-annually, in an amount aggregating not more than fifteen thousand dollars (\$15,000.00). Such bonds shall be issued in denominations of five thousand dollars (\$5,000.00) each, and shall be signed by the president and clerk of said board of education, and countersigned by the treasurer thereof.

Bonds, when payable.

Rate of interest.

Limit of bond issue.

This act is ordered to take immediate effect.

Approved January 20, 1897.

[No. 291.]

AN ACT to legalize the proceedings of the Oakland County Agricultural Society to sell its real estate.

WHEREAS, The stockholders of the Oakland County Agricultural Society at a regular meeting thereof held on the third day of January, one thousand eight hundred ninety-five, did unanimously pass a resolution purporting to authorize the board of directors of said corporation in their discretion to sell all or any part of its fair grounds and purchase other grounds; and in pursuance of said resolution said board of directors caused its said lands to be subdivided and platted into one hundred two city lots on a plat known as "Oakland County Agricultural Society's Addition, Pontiac, Mich.," being all

Lands sold.

Lands platted to city lots.

Recording of
plat.

Who deed of
lands made to.

Date of deed
and where
recorded.

Contracts and
deeds made.

Sale not in
compliance
with law.

Proceedings
ratified, con-
firmed and
made valid.

the lots numbered or shown on said plat, and caused said plat to be recorded in the office of the register of deeds of Oakland county, June twelfth, one thousand eight hundred ninety-five, on page forty-six of liber four of plats; and caused all said lots to be advertised for sale, at public auction on the twentieth day of June, one thousand eight hundred ninety-five; and to facilitate the execution of contracts to purchasers of said lands and the transfer of title thereto, caused a deed from said corporation of all of said lands to be made to Joseph S. Stockwell in trust for the use and benefit of said corporation, which deed is dated June fifteenth, one thousand eight hundred ninety-five, and is recorded in said register's office in liber one hundred seventy-three of deeds at page three hundred eight; and said lots on said twentieth day of June, one thousand eight hundred ninety-five, were all severally sold at public auction to divers persons, and numerous contracts and deeds therefor have been made by said Stockwell to such purchasers severally, as such trustee; and said corporation relying on the validity of said proceedings has in good faith at great expense purchased other grounds in said city for its use for fair ground purposes and taken possession thereof and already partly fitted the same for such purposes; and

WHEREAS, Said proceedings to sell said real estate do not fully comply with the provisions of section six of the act under which said Oakland County Agricultural Society was incorporated, being section two thousand three hundred eight of Howell's annotated statutes, but no legal proceeding of any kind has been begun by any person for the purpose of avoiding or invalidating any such proceedings and there is no litigation pending with reference to any of said matters; now, therefore:

SECTION 1. *The People of the State of Michigan enact*, That all the said proceedings be and the same are hereby ratified, confirmed and made valid, to the same extent as though said section of said annotated statutes had been fully complied with in making said sales. And the said plat and the said deed in trust to the said Stockwell and the said auction sale and all deeds and contracts made by the said Stockwell as such trustee in pursuance thereof, are hereby ratified, confirmed and made valid.

This act is ordered to take immediate effect.

Approved January 20, 1897.

[No. 292.]

AN ACT to enable the township of Leroy in Ingham county to pay for certain bridges constructed in said township in the year eighteen hundred ninety-one, yet unpaid for, owing to illegalities in the proceedings of the commissioner of highways of said township of Leroy in procuring their construction.

SECTION 1. *The People of the State of Michigan enact, That* the township board of the township of Leroy in the county of Ingham, be and is hereby authorized and required to appraise the value of the bridges and culverts constructed in said township during the months of June and July eighteen hundred ninety-one, by William H. Chidester, at such a sum as they may agree upon, but such valuation shall in no case exceed the original contract price for their construction.

Who to appraise value of bridges and culverts.

SEC. 2. Such appraisal shall take place prior to March fifteenth, eighteen hundred ninety-seven, and shall be for the purpose of authorizing a tax upon the taxable property of said township to the amount agreed upon by the township board to pay for said bridges without interest from the time of their construction.

When appraisal to take place and for what purpose.

SEC. 3. Such tax shall not be levied for the payment of the aforesaid bridges unless a majority of the qualified electors of said township voting at the next annual township meeting shall so determine; and said township board is hereby authorized and required to submit the question of said tax to the qualified electors of said township at the first annual township meeting after the passage of this act, and to give due notice thereof by causing notices to be posted in five public places in said township, not less than ten days before the annual township meeting, which notices shall state the amount and object of the tax and by what authority such action is taken.

To submit to electors, when.

Notice of election, when given.

SEC. 4. The vote upon such proposition shall be by ballot either written or printed, or partly written and partly printed; ballots in favor of such proposition shall be in the following words: "To pay for the Chidester bridges—Yes," and ballots against the same shall be in the following words: "To pay for the Chidester bridges—No." And it shall be the duty of the said township board to provide at the polls of such election during the whole time while the same shall be open, a sufficient number of ballots for and against such proposition, printed or written in the form above indicated, to furnish all the electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as in other regular township elections, and immediately upon the con-

Form of proposition on ballot to be.

How election to be conducted.

Certificate, who
to make and
sign.

Declaration
of result of
election, to be
filed where.

Money raised
by tax, dis-
position of.

Duty of super-
visor in case
electors deter-
mine to pay.

Treasurer,
duties of.

clusion of such canvass, the inspectors of the election shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against the same respectively, and not later than the day following such election said inspectors shall endorse upon such certificate a declaration in writing, over their hands and seals, of the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said township, and a copy thereof certified to by said township clerk shall be by him filed with the clerk of said Ingham county.

SEC. 5. Any money raised by tax under the provisions of this act shall be expended in payment for the bridges hereinbefore mentioned and described, by paying the holders of the original unpaid orders issued in payment for the said bridges at the time of their construction, the whole amount raised for that purpose in just and equal proportions to the amount of the orders held by each, and for no other purpose, and such payment shall be full compensation and final settlement for the construction of said bridges.

SEC. 6. In case a majority of the qualified electors of said township shall determine by ballot to pay for the above mentioned bridges, according to the provisions of this act, it shall be the duty of the supervisor of said township to assess the amount decided upon for that purpose upon the taxable property of the said township, at the usual time for assessing taxes for the year eighteen hundred ninety-seven, and it shall be the duty of the treasurer of said township to collect the same at the usual time, and in the usual manner for the collection of other taxes for the year above specified, and pay the same in accordance with the provisions of this act.

This act is ordered to take immediate effect.

Approved January 22, 1897.

[No. 293.]

AN ACT to legalize certain bonds of the county of Mecosta.

Bonds, issue
and date of.

SECTION 1. *The People of the State of Michigan enact, That all of the proceedings of the board of supervisors of the county of Mecosta heretofore had in respect to the issue of the bonds of said county, the same being five bonds of one thousand dollars each issued October twentieth, one thousand eight hundred ninety-three, which become due April first, one thousand eight hundred ninety-seven, one bond of five thousand dollars issued October seventeenth, one thousand eight hundred ninety-six, which becomes due April first, one thousand nine hundred, one bond of five thousand dollars issued October*

seventeenth, one thousand eight hundred ninety-six, which becomes due April first, one thousand nine hundred one, and one bond for five thousand dollars issued October seventeenth, one thousand eight hundred ninety-six, which becomes due April first, one thousand nine hundred two, are hereby legalized and the said bonds are declared to be the binding obligations of the county of Mecosta, anything in the laws heretofore passed by the legislature of this State to the contrary notwithstanding.

Legalized and
declared bind-
ing.

This act is ordered to take immediate effect.

Approved January 22, 1897.

[No. 294.]

AN ACT to change the name of Rose Theresa Sootofskie to Rose Theresa Herman.

SECTION 1. *The People of the State of Michigan enact, That* the name of Rose Theresa Sootofskie of the city of Kalamazoo, county of Kalamazoo and State of Michigan be and the same is hereby changed to Rose Theresa Herman.

Name changed
to.

This act is ordered to take immediate effect.

Approved January 22, 1897.

[No. 295.]

AN ACT to authorize the common council of the village of Houghton in the county of Houghton, to make conveyance of metals and minerals and of the right to mine the same beneath certain land owned by said village.

[SECTION 1.] *The People of the State of Michigan enact, That* the common council of the village of Houghton be and they are hereby authorized and empowered to convey by deed to such person or corporation as they may see fit, the right to mine for metals and minerals beneath a certain piece of land owned by said village, conveyed to the common council of said village by the Huron Copper Mining Company by deed of conveyance dated April twenty-seventh, one thousand eight hundred eighty-seven, and recorded May third, one thousand eight hundred eighty-seven, in liber twenty-five of deeds on page six hundred fifteen, in the office of the register of deeds for the county of Houghton, on such terms as they may think proper.

May convey by
deed to whom.

Deed of con-
veyance, date
and record.

This act is ordered to take immediate effect.

Approved January 27, 1897.

[No. 296.]

AN ACT to provide for the collection of delinquent taxes, on personal property remaining unpaid after the first of March in each year, in the county of Wayne.

County treasurer and assistants to collect personal taxes.

May levy and sell property at public auction.

Notice and manner of conducting sale.

County treasurer to furnish rolls to assistants.

Repealing clause.

SECTION 1. *The People of the State of Michigan enact, That* after the first day of March and before the sixteenth day of September in each year, it shall be the duty of the county treasurer of the county of Wayne, and the collectors appointed by said treasurer, together with the township treasurers of the county of Wayne, acting under authority and by virtue of warrants from said treasurer, to collect all unpaid taxes which are assessed against any property of value other than real estate. If necessary the said treasurer of the county of Wayne and the said collectors and township treasurers, under the direction and in the name of the county treasurer, shall have power to levy upon and sell at public auction the personal property of any person refusing or neglecting to pay such tax. Three days notice of any such sale shall be given by the treasurer, by publication in any daily newspaper in said city and by posting written or printed notices of such sale in three public places in the township or ward where such property is to be sold, but any surplus remaining after the payment of the tax and percentage and the expense of drayage and storage, shall be paid over to the owner of such property or other person entitled to receive the same; and the said treasurer shall have power in the name of the county of Wayne to prosecute any person refusing or neglecting to pay such taxes by a suit in the circuit court for the county of Wayne, and he shall have and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of any such taxes; and the tax roll shall be *prima facie* evidence of the indebtedness by such person and the regularity of the proceedings by which the taxes were assessed or levied.

SEC. 2. The county treasurer is hereby authorized to furnish said collectors and township treasurers, rolls, showing the delinquent personal taxes from which to make such collections after the time now provided for the return of the original rolls.

SEC. 3. All acts or parts of acts inconsistent herewith are hereby repealed.

This act is ordered to take immediate effect.

Approved February 5, 1897.

[No. 297.]

AN ACT to repeal act number two hundred twenty-one of local acts of eighteen hundred and ninety-three, entitled "An act to provide for the election of overseers of highways by ballot in the township of Ecorse, in the county of Wayne and State of Michigan."

SECTION 1. *The People of the State of Michigan enact, That* sections one to six, inclusive, of act number two hundred and twenty-one of local acts of eighteen hundred and ninety-three, approved February tenth, eighteen hundred and ninety-three, entitled An act to provide for the election of overseers of highways by ballot in the township of Ecorse, in the county of Wayne, and State of Michigan, be and the same is hereby repealed. Overseers of highways, how elected.

This act is ordered to take immediate effect.

Approved February 5, 1897.

[No. 298.]

AN ACT to repeal act number three hundred and four of [the] local acts of eighteen hundred and ninety-three, entitled "An act to provide for the appointment of two clerks by the township board of the township of Ecorse, in the county of Wayne, to assist in extending the tax rolls of said township."

SECTION 1. *The People of the State of Michigan enact, That* section one of act number three hundred and four of local acts of eighteen hundred and ninety-three, approved March twentieth, eighteen hundred and ninety-three, being an act entitled An act to provide for the appointment of two clerks Act repealed. by the township board of the township of Ecorse, in the county of Wayne, to assist in extending the tax roll of said township, be and the same is hereby repealed.

This act is ordered to take immediate effect.

Approved February 5, 1897.

[No. 299.]

AN ACT to repeal act number three hundred and eighty-four of the local acts of eighteen hundred and ninety-five, entitled "An act to facilitate the construction of sidewalks in road districts number ten and thirteen in the township of Ecorse in the county of Wayne, State of Michigan."

Act repealed.

SECTION 1. *The People of the State of Michigan enact*, That act number three hundred and eighty-four of the local acts of eighteen hundred and ninety-five, entitled "An act to facilitate the construction and maintenance of sidewalks in road districts number ten and thirteen, in the township of Ecorse, Wayne county, Michigan." approved April twenty-sixth, eighteen hundred and ninety-five, be and the same is hereby repealed.

This act is ordered to take immediate effect.

Approved February 5, 1897.

[No. 300.]

AN ACT to change the names of Malcolm McCarty, George McCarty, Rozilla McCarty, Joseph A. McCarty, Lillie M. McCarty, and Concreta McCarty, to Malcolm Mackinzie, George Mackinzie, Rozilla Mackinzie, Joseph A. Mackinzie, Lillie M. Mackinzie, and Concreta Mackinzie.

Names changed
to.

SECTION 1. *The People of the State of Michigan enact*, That the names of Malcolm McCarty, George McCarty, Rozilla McCarty, Joseph A. McCarty, Lillie M. McCarty, and Concreta McCarty, are hereby changed to Malcolm Mackinzie, George Mackinzie, Rozilla Mackinzie, Joseph A. Mackinzie, Lillie M. Mackinzie, and Concreta Mackinzie.

This act is ordered to take immediate effect.

Approved February 5, 1897.

[No. 301.]

AN ACT to authorize the board of supervisors of Alcona county, State of Michigan, to issue ten thousand dollars of bonds for the purpose of paying matured orders and existing indebtedness.

SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for the board of supervisors of Alcona county to issue the bonds of Alcona county to the amount of ten thousand dollars for the purpose of paying existing matured orders and indebtedness.

Who may issue
bonds, amount
of, purpose of.

SEC. 2. Said bonds shall be of such denomination as the board of supervisors shall direct and shall be issued for a period not to exceed thirty years, and shall bear interest at a rate not to exceed six per cent per annum.

Denomination
of bonds.
Period of time
and rate of
interest.

This act is ordered to take immediate effect.

Approved February 5, 1897.

[No. 302.]

AN ACT to make townships in Huron county primarily liable for the payment of all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, where said county is now primarily liable for such payment.

SECTION 1. *The People of the State of Michigan enact,* That hereafter, within the county of Huron, all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, where said county is now primarily liable for the payment of the same, shall be charged to and paid by the township in which the same are incurred, when audited by the township board of the township, and shall be paid by said township, except as hereinafter provided.

Claims incur-
red for care of
persons sick
with contagious
diseases.

How paid.

SEC. 2. The board of supervisors of said county shall have power to audit and allow, and order paid by the county, any and all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, whenever, in the opinion of a majority of the entire members of said board, the township primarily liable for such claims, as provided in section one of this act, should be relieved in whole or in part from the payment of the same.

Board of super-
visors, power
of, to audit and
allow claims.

Board to have
full power.

SEC. 3. The board of supervisors of said county shall have full power to examine into the merits of all claims presented to them in accordance with section two of this act, and upon such examination, to allow or reject in whole or in part any such claim.

This act is ordered to take immediate effect.

Approved February 5, 1897.

[No. 303.]

AN ACT to amend sections one and two of act number three hundred twenty-six of the local acts of eighteen hundred ninety-five, entitled "An act to authorize the township of Whitney, in Arenac county, Michigan, to borrow money upon its bonds for the improvement of certain highways in that township," approved March thirteenth, eighteen hundred ninety-five.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections one and two of act number three hundred twenty-six of the local acts of eighteen hundred ninety-five, it being an act entitled "An act to authorize the township of Whitney, in Arenac county, Michigan, to borrow money upon its bonds for the improvement of certain highways in that township," approved March thirteenth, eighteen hundred ninety-five, be and the same is hereby amended so as to read as follows:

Township
board author-
ized to borrow
money and
issue bonds.

SECTION 1. That the township board of the township of Whitney, county of Arenac, State of Michigan, shall be and it is hereby authorized and empowered to borrow on the faith and credit of said township and issue its bonds for the sum of three thousand dollars to be payable in amounts as hereinafter set forth for the improvement of the hereinafter described highways in said township.

When to be due
and payable.

SEC. 2. Said three thousand dollars shall be due and payable as follows: One thousand dollars in ten years from the date of said loan; one thousand dollars in eleven years and one thousand dollars in twelve years from the date of said loan, with interest at the rate of six per centum per annum, payable semi-annually, and shall be represented by six coupon bonds of said township of the sum of five hundred dollars each. Said bonds and accompanying coupons shall be in proper form and signed by the supervisor and clerk of said township board.

This act is ordered to take immediate effect.

Approved February 5, 1897.

[No. 304.]

AN ACT to amend section one of act number two hundred and fifty-six of local acts of eighteen hundred and ninety-three, approved March sixth, eighteen hundred and ninety-three, entitled "An act to incorporate the village of Grant, in Newaygo county, for the purpose of correcting clerical error in said section one, and to accurately describe the boundaries of said village of Grant."

SECTION 1. *The People of the State of Michigan enact*, That section one of act number two hundred and fifty-six of local acts of eighteen hundred and ninety-three, approved March sixth, eighteen hundred and ninety-three, entitled "An act to incorporate the village of Grant, in Newaygo county," be and the same is hereby amended to read as follows: Section amended.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory, to wit: Commencing eighty rods east of the quarter post on the north line of section twenty-four, in township eleven north, of range thirteen west, in the county of Newaygo and State of Michigan, thence running south eighty rods, thence west one hundred and sixty rods, thence north eighty rods, thence east one hundred and sixty rods to the place of beginning. Also a piece of land described as follows: Commencing at the quarter post of the south line of section thirteen, in the township and range above mentioned, thence running west eighty rods, thence north twenty rods, thence east eighty rods, thence south twenty rods to the place of beginning, all in the county of Newaygo, and State of Michigan, be and the same is hereby constituted a village corporate, to be known as the village of Grant. Village of Grant, territory incorporated.

This act is ordered to take immediate effect.

Approved February 5, 1897.

[No. 305.]

AN ACT to authorize the township of Hill, in the county of Ogemaw, and State of Michigan, to borrow money to be used in the payment of outstanding orders of said township, and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact*, That the township of Hill, in the county of Ogemaw, be and is hereby authorized and empowered to borrow money on the faith and credit of said township, and to issue bonds therefor, to an amount not to exceed one thousand dollars, for the term Authorized to borrow money and issue bonds.

Majority vote
required before
loan made.

not exceeding ten years from the date of issue, at a rate of interest not exceeding seven per cent per annum, payable annually, and to execute the coupon bonds of the township therefor: *Provided*, That the qualified electors who are taxpayers of said township, voting at any regular or special election called for the purpose under the laws governing township elections, shall, by a two-thirds majority vote, decide upon a loan of the said amount.

Bonds, when to
issue, interest,
etc.

SEC. 2. If such loan shall be authorized by two-thirds of such electors, who are taxpayers, said bonds may be issued in such sums not exceeding the amount hereinbefore limited and payable at such times, with such rate of interest, not exceeding seven per cent per annum, as the township board shall direct, and shall be signed by the supervisor and countersigned by the clerk of said township, and negotiated by or under the direction of said board, and the money arising therefrom shall be appropriated in such manner as said township board shall determine for the purpose of paying outstanding orders of said township. And the said township board shall have power and it shall be their duty to raise by tax upon the taxable property of said township, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due.

To be counter-
signed by
supervisor
and clerk.

SEC. 3. The amount of money realized from said bonds shall be used only for the purpose of paying the present indebtedness upon the outstanding orders of said township.

This act is ordered to take immediate effect.

Approved February 5, 1897.

[No. 306.]

AN ACT to provide for a joint cemetery board for the townships of Resort and Bear Creek, and the city of Petoskey, in the county of Emmet, and to regulate the powers and duties thereof.

Cemetery
board, appoint-
ment of, term
of, who to
appoint.

SECTION 1. *The People of the State of Michigan enact*, That one person appointed by the township board of Bear Creek to serve from date of appointment until the first Monday in May, eighteen hundred ninety-eight, one person appointed by the township board of the township of Resort to serve from date of appointment until the first Monday in May, eighteen hundred ninety-nine, and three persons appointed by the mayor of the city of Petoskey by and with the consent of the council, to serve from [the] date of appointment until the first Monday in May, nineteen hundred, nineteen hundred one and nineteen hundred two, respectively, or until their successors

shall have been appointed and enter upon the duties of their office; and before the expiration of their several terms, the respective boards, and mayor of the city of Petoskey, by and with the consent of the council, shall, on or before the first Monday in April, appoint persons to serve as follows: The township board of Bear Creek shall appoint one person to serve for the term of five years, and a successor each fifth year thereafter to serve for a like term. The township board of Resort shall appoint one person to serve for the term of five years, and a successor each fifth year thereafter to serve for a like term. The mayor of the city of Petoskey, by and with the consent of the council, shall appoint, on or before the first Monday in April, in the year nineteen hundred, nineteen hundred and one, and nineteen hundred and two, respectively, one person to serve for the term of five years, and their successors for a like term of office, on or before the first Monday in April of the years when such term of office expires. Any appointments which for any cause shall not be made on or before the first Monday in April, may be made at any subsequent regular meeting, or special meeting called for that purpose; but such appointments, whenever made, shall be assumed to date from said first Monday in May. The said persons are hereby constituted members of a board to be known and designated as "The Greenwood Cemetery Board," which shall be a corporate body, for the townships aforesaid and the city of Petoskey. All vacancies in the above named offices shall be filled in like manner. Acceptance of such appointment shall be in writing and filed with the township clerks or city clerk.

Board, how designated.

Body corporate.

Vacancies.

Acceptance to be filed with clerk of township or city.

SEC. 2. Said board shall organize by electing a president, secretary and treasurer, who shall perform such duties as usually pertain to such offices, respectively.

Board to organize.

SEC. 3. Any three of said members shall constitute a quorum for the transaction of business, and in the absence of the president may designate one of their number as president *pro tempore*, who shall perform the duties of president, and in the absence of the secretary, may designate one of their number as secretary *pro tempore*, who shall perform the duties of secretary.

Quorum.

SEC. 4. Said board shall meet at least twice each year for the transaction of business; one of said meetings shall be held in the month of March, and on or before the last Monday thereof, and said board shall at such meeting determine upon the amount of money, if any, to be raised for cemetery purposes the next ensuing year, and apportion the same to the townships and city, *pro rata*, according to the last assessed valuation thereof, the same to be reported to the townships and city for assessment and collection in the next assessment roll of said townships and city, and when collected, said moneys to be paid over to the treasurer of said cemetery board.

Meetings, time of.

To determine amount of money to be raised.

Control and
management
of, location of.

SEC. 5. Said board shall have full control and management of the cemetery, located on section one, in township thirty-four north, of range six west, county of Emmet, known as "Greenwood Cemetery," and shall take charge of the same when this act shall take effect.

Improvements.

SEC. 6. Said board shall have the care and management of said cemetery or burial place, and shall direct the improvements and embellishments of the grounds; cause such grounds to be laid out into lots, avenues and walks, named, and suitable maps and plats thereof to be made, one to be filed in the office of the secretary of said board for public inspection. The board shall fix the price of lots, and the conveyance or certificates of sale of such lots shall be executed by the secretary thereof, for and in behalf of said board, and countersigned by the president of said board.

Lots, board to
fix price of.

To appoint
superin-
tendent, sex-
ton, etc.

SEC. 7. Said board shall appoint the necessary superintendent, sextons, undertakers and employes for the cemetery, and adopt rules and regulations for the guidance and conduct of its subordinates and employes, expend the money provided for the care and improvement of the grounds, and enforce such rules and regulations as may be established by the board for the government and control thereof, and make such regulations for the burial of the dead, care and protection of the grounds, monuments and appurtenances of the cemetery, and the orderly conduct of the persons visiting the grounds as may be necessary and not inconsistent with the laws of the State.

Secretary.
duty of.

SEC. 8. It shall be the duty of the secretary to keep a true account of the moneys received and disbursed by said board, and to draw orders on the treasurer for the payment of moneys when ordered by the board, and it shall be the duty of the treasurer to pay all such orders, when countersigned by the president, out of any moneys in his hands belonging to the cemetery fund, and to pay none of said moneys except on said vouchers.

Treasurer.
duty of.

SEC. 9. The treasurer shall have custody of all moneys and evidences of value. He shall receive all moneys belonging to and receivable by the cemetery board, and keep an account of all receipts and expenditures thereof, and shall exhibit the same to the board as often as may be required. The treasurer shall give a bond to the "Greenwood Cemetery Board," in such sum and with such sureties as may be required and approved by said board, and shall settle with said board once in each year.

To give bonds.

Moneys derived
from taxation
and sale of
lots to be paid
to treasurer of
board.

SEC. 10. All moneys now in the hands of township treasurers for cemetery purposes, derived from taxation or the sale of cemetery lots, shall be paid over to the treasurer of said cemetery board, who shall have the custody of all moneys collected for or on account of said cemetery, from taxation, assessments, or received from the sale of lots or otherwise,

and the same shall constitute a fund to be known and denominated "The Cemetery Fund." Said fund shall not be devoted to any purpose except the purchase of additional grounds or cemetery purposes, and the said treasurer shall pay out no money except in pursuance of and by authority of law and upon orders signed by the secretary and countersigned by the president. Said board shall make detailed statements of the receipts and disbursements thereof, at least once each year, not later than the last Monday in March, preceding the charter election of the city of Petoskey, and file the same with the clerk or mayor of said city of Petoskey, and file a copy with each of the clerks of the aforesaid townships.

Reports to be made, copies to be filed.

SEC. 11. The boards of health of the townships of Bear Creek and Resort shall each transfer and turn over all accounts receivable, plats, books, papers, tools and implements, pertaining and belonging to said cemetery, to the Greenwood Cemetery Board.

Board of health to turn over all accounts, plats, books, tools, etc., to cemetery board.

SEC. 12. Said cemetery board shall have all the powers and privileges conferred upon township boards of health for the government, control and management of cemeteries, by the laws of this State, not otherwise herein provided for, but said cemetery board shall be governed by the general laws of the State, or such ordinances adopted by the common council of the city of Petoskey, having in view sanitary or other conditions affecting health.

Power of cemetery board.

To be governed by general laws.

SEC. 13. The council or townships may remove any member appointed by its own body, for inattention to duties, want of proper judgment, skill or taste, for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation.

May remove member, when.

This act is ordered to take immediate effect.

Approved February 17, 1897.

[No. 307.]

AN ACT to provide for the extension, construction and maintenance of the Whitehall road and the Holton road, through the city of North Muskegon, same being county roads of the county of Muskegon, established by the board of county road commissioners of the county of Muskegon.

SECTION 1. *The People of the State of Michigan enact, That the board of county road commissioners of the county of Muskegon may extend, construct and maintain the county roads heretofore established by the board of county road commissioners of the county of Muskegon, named and called by said*

Road commissioners may construct and extend certain roads.

board the Whitehall road and the Holton road, in and through the city of North Muskegon, and for this purpose may lay out new roads through said city and may take control and jurisdiction of and construct and maintain said roads over and upon any streets, alleys, highways or public ways, or parts of streets, alleys, highways or public ways, in said city, in the same manner as is prescribed by act number one hundred forty-nine of the public acts of eighteen hundred ninety-three, for said board of county road commissioners to lay out new roads and to take control of highways in townships, and may widen, change the location, or straighten any or all of said streets, alleys, highways or public ways, or parts thereof, over which they take control or jurisdiction, and if in widening, changing the location, or straightening of any such streets, alleys, highways or public ways, or parts thereof, or in laying out new roads, it shall be necessary to take private property, the said board of county road commissioners shall proceed in the same manner as is prescribed by act number one hundred forty-nine of the public acts of eighteen hundred ninety-three.

May take
private
property.

Liability for
damages,
injuries, etc.

SEC. 2. The provisions of law respecting the liability of townships, cities, villages and corporations, for damages for injuries resulting from a failure in the performance of the same duty respecting roads under their control, shall apply to the duty and liability of the county of Muskegon respecting the roads, streets, alleys, highways and public ways, or parts thereof, over which the said board of county road commissioners shall assume control and jurisdiction, lay out, construct and maintain within the limits of said city of North Muskegon.

This act is ordered to take immediate effect.

Approved February 17, 1897.

[No. 308.]

AN ACT to legalize taxes assessed in the city of Muskegon for the years eighteen hundred ninety to eighteen hundred ninety-five inclusive.

Certain tax
rolls declared
legal.

SECTION 1. *The People of the State of Michigan enact, The* respective assessment rolls and tax rolls of the city of Muskegon for the years eighteen hundred ninety, eighteen hundred ninety-one, eighteen hundred ninety-two, eighteen hundred ninety-three, eighteen hundred ninety-four and eighteen hundred ninety-five and the statements of the treasurer of Muskegon county for each of said years given to the city treasurer of the city of Muskegon of the uncollected per-

sonal taxes of said years respectively, with his warrant for the collection thereof attached thereto, are hereby confirmed and declared valid and the taxes assessed and levied thereon declared legal notwithstanding the errors, omissions, defects, informalities and irregularities hereinafter enumerated, viz.:

First, Notwithstanding ten days previous notice of the meeting of the board of review of said city was not given in any or all of said years by publication in all the public newspapers printed in said city;

When notice of review not given.

Second, Notwithstanding the failure or neglect of the common council of said city to cause estimates to be made in any or all of said years of the expenditures which would be required to be made from the several general funds of the city during the then next fiscal year;

When estimates not made.

Third, Notwithstanding the failure of the assessor of said city, in any or all of said years, to make and deliver to the city treasurer a certified copy of the assessment roll with the taxes entered therein, with his warrant for the collection of the taxes therein annexed thereto;

When certified copy of roll not delivered.

Fourth, Notwithstanding the failure of the clerk of the county of Muskegon, in any or all of said years, to sign the certificate of equalization of any or all of said rolls;

When certificate not signed by clerk.

Fifth, Notwithstanding the records of the board of supervisors of the county of Muskegon were signed during any of its sessions in said years by its chairman when it was presided over at any of such sessions by a chairman *pro tem*;

When meetings of board presided over by chairman *pro tem*.

Sixth, Notwithstanding the failure or neglect of the treasurer of said city, in any or all of said years, to make and deliver to the assessor of said city, on or before the first Monday of November, properly verified statements of the taxes uncollected by him;

When treasurer failed to deliver statements.

Seventh, Notwithstanding the failure or neglect of the treasurer of said city, in any or all of said years, to make return to the recorder of said city of any special assessment roll in his hands and a verified statement of the unpaid assessments on such roll;

When treasurer failed to make return to recorder.

Eighth, Notwithstanding the failure or neglect of the treasurer of said city, in any or all of said years, to make and return to the county treasurer of Muskegon county, as provided by law, properly verified statements of the uncollected taxes assessed against real property or personal property;

When treasurer failed to make return to county treasurer.

Ninth, Notwithstanding the failure or neglect of the common council of the city of Muskegon to pass any measure during any of its sessions in said years by aye and nay vote;

When council failed to legally act by vote.

Tenth, Notwithstanding any other defect, omission, informality or irregularity in any proceeding in the voting, assessing, levying or collection of said taxes that has not prejudiced the property rights of any person whose property is assessed

When other defects, etc., occurred.

on any of said rolls, which prejudice in case of contest must be affirmatively shown by the person contesting any of said taxes.

This act is ordered to take immediate effect.

Approved February 18, 1897.

[No. 309.]

AN ACT to amend section one of act number two hundred forty-two of the local acts of eighteen hundred eighty-five, entitled "An act to reincorporate the village of Quincy in Branch county," approved February sixteenth, eighteen hundred eighty-five.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number two hundred forty-two, of the local acts of eighteen hundred eighty-five, entitled "An act to reincorporate the village of Quincy in Branch county," approved February sixteenth, eighteen hundred eighty-five, be and the same is hereby amended so it shall read as follows:

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country within the township of Quincy, in the county of Branch, and State of Michigan, known and described as follows, to-wit:

The southwest quarter ($\frac{1}{4}$), the west half ($\frac{1}{2}$) of the southeast quarter ($\frac{1}{4}$), and the west half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$) of the northwest quarter ($\frac{1}{4}$) of section number fifteen (15); the southeast quarter ($\frac{1}{4}$); the southeast quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$); and the southeast quarter ($\frac{1}{4}$) of the northeast quarter ($\frac{1}{4}$) of section number sixteen (16); the northeast quarter ($\frac{1}{4}$) of the northwest quarter ($\frac{1}{4}$) and the north half ($\frac{1}{2}$) of the northeast quarter ($\frac{1}{4}$) of section number twenty-one (21) and the north half ($\frac{1}{2}$) of the northwest quarter ($\frac{1}{4}$) of section number twenty-two (22) in township number six (6) south range number five (5) west, be and the same is hereby reincorporated as the village of Quincy.

This act is ordered to take immediate effect.

Approved February 18, 1897.

[No. 310.]

AN ACT to amend the charter of the city of Lapeer, being amendatory of an act entitled "An act to reincorporate the city of Lapeer," approved April first, eighteen hundred and seventy-five.

CHAPTER I.

SECTION 1. *The People of the State of Michigan enact, That* section two of chapter one of the charter of the city of Lapeer shall be amended so that the same shall read as follows: Section amended.

SEC. 2. The said city shall be divided into four wards. First ward. The first ward shall be bounded as follows: Commencing at the northeast corner of said city and thence south on the east boundary of the city to the township line between townships seven and eight, thence west on the said township line to the point of its intersection with Neppessing street, thence westerly along the center of Neppessing street to quarter line of section five, thence north on the quarter line of sections five and thirty-two to the north line of the city, thence east on the north line of the city to the place of beginning. Second ward. The second ward shall be bounded as follows: Commencing at the northwest corner of said city, thence south on the west boundary of the city to the township line between townships seven and eight, thence west to the northwest corner of section six, thence south on the west line of the city to the quarter post on the west side of said section six, thence east on the quarter line to the center of Main street, thence north on the center of Main street to Franklin avenue, thence easterly on the center of Franklin avenue to the quarter line of section five, thence north on the quarter lines of sections five and thirty-two to the north line of said city, thence west on the north line of the city to the place of beginning. Third ward. The third ward shall be bounded as follows: On the north by the second ward, on the east by the quarter lines of sections five and eight, on the south and west by the south and west lines of the city. Fourth ward. The fourth ward shall be bounded on the north by the first ward, on the west by the third ward, on the south and east by the south and east lines of the city.

CHAPTER VI.

SECTION 2. That section twenty of chapter six of said charter be amended so that the same shall read as follows: Section amended.

SEC. 20. The council shall audit and allow all accounts chargeable against the city but no account or claim or con- Accounts against city.

Who to certify to.

tract shall be received for audit or allowance, unless it shall be accompanied with a certificate of an officer of the corporation, or an affidavit of the person rendering it, to the effect that he verily believes that the services therein charged have been actually performed or the property delivered for the city, that the sums charged therefor are reasonable and just and that to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are endorsed or referred to in such account or claim, and every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each.

What sufficient defense in court.

It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city that it has never been presented, certified to or verified as aforesaid, to the council for allowance; or that the claim was presented without the affidavit or certificate as aforesaid, and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

This act is ordered to take immediate effect.

Approved February 18, 1897.

[No. 311.]

AN ACT to amend section one of act number three hundred seventy-seven of the local acts of eighteen hundred eighty-seven, entitled "An act to incorporate the village of Sherwood, in Branch county."

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of the local acts of eighteen hundred eighty-seven, entitled "An act to incorporate the village of Sherwood," be and the same is hereby amended to read as follows:

Territory to be known as village of Sherwood.

SECTION 1. That the following described territory, to-wit, the west half of the southwest quarter of section twenty-seven, the west half of the northwest quarter of section thirty-four, the northeast quarter of section thirty-three, the east half of the northwest quarter of section thirty-three, the east half of the southwest quarter of section twenty-eight, and the southeast quarter of section twenty-eight, situate in town five (5) south, range eight (8) west, county of Branch, be and the same is hereby constituted a village corporate to be known as the village of Sherwood.

This act is ordered to take immediate effect.

Approved February 19, 1897.

[No. 312.]

AN ACT to provide for the transfer of money from the contingent fund of Bay county to the general fund of the board of county road commissioners of Bay county.

SECTION 1. *The People of the State of Michigan enact, That* the sum of eighteen thousand [\$18,000] dollars shall be transferred from the money in the contingent fund in the county treasury of the county of Bay to the county road fund of Bay county, to be by said board of county road commissioners expended upon the roads under its control, pursuant to the provisions of existing laws, during the year eighteen hundred ninety-seven. The county treasurer of the county of Bay is hereby authorized and required to make the necessary transfers on his books and pay out said county money in accordance with the provisions of existing laws, when, and as the same shall be required by said board of county road commissioners during said year eighteen hundred ninety-seven.

Money to be transferred to road fund.

This act is ordered to take immediate effect.

Approved February 24, 1897.

[No. 313.]

AN ACT to amend section two of an act entitled "An act to organize the union school district of the city of Alpena," approved April fourth, eighteen hundred and seventy-three, and the acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact, That* section two of an act entitled "An act to organize the union school district of the city of Alpena, approved April fourth, eighteen hundred and seventy-three," and the acts amendatory thereof, be, and the same is hereby amended so as to read as follows:

Section amended.

SEC. 2. The board of education of said district shall consist of one member elected from and by each ward of said city, as said wards are now and may be hereafter bounded and established. Each of said members shall hold office for the term of three years, commencing on the day of the annual election herein provided for, and until his successor is elected and qualified. The term of two members of said board shall expire each year, as hereinafter provided. All of said members, including the present members of said board, shall hold their offices until their successors are elected and qualified. No person shall be eligible to election or appointment as a mem-

Board of education, how elected.

Term of office.

Who eligible to.

Manner of election, canvassing votes, etc. ber of said board of education who holds any other elective office under the municipal government of said city, or by appointment of the board of education, except as otherwise herein provided. The manner of conducting such election and canvassing votes shall be the same, as provided in the charter of said city of Alpena for the election of aldermen, said members to be elected on the same ticket with other ward officers, and to be designated, "For Member of Board of Education." *Provided*, That at the annual election held on the first Monday in April in the year one thousand eight hundred and ninety-seven there shall be elected one member of said board of education in each ward, by the electors thereof. The two members elected by the electors of the first and sixth wards of said city each shall hold his office for the term from the time when elected to the second Monday in April, A. D. nineteen hundred, and until his successor is elected and qualified. The two members elected by the electors of the second and fourth wards of said city, each shall hold his office for the term from the time when elected to the second Monday in April, A. D. one thousand eight hundred and ninety-nine, and until his successor is elected and qualified. The two members elected by the electors of the third and fifth wards of said city each shall hold his office for the term from the time when elected to the second Monday in April, A. D. one thousand eight hundred and ninety-eight, and until his successor is elected and qualified.

Proviso.

Acts repealed. All acts and parts of acts contravening the provisions of this act are hereby repealed.
This act is ordered to take immediate effect.
Approved February 24, 1897.

[No. 314.]

AN ACT to appoint an assistant prosecuting attorney for Kalamazoo county.

Appointment of assistant prosecuting attorney. SECTION 1. *The People of the State of Michigan enact*, That the prosecuting attorney of the county of Kalamazoo is hereby authorized and empowered to appoint an assistant prosecuting attorney for Kalamazoo county, which appointment shall be in writing and filed with the clerk of said county.

Salary. SEC. 2. The salary of said assistant prosecuting attorney shall be fixed by the board of supervisors of Kalamazoo county.

Term of office. SEC. 3. That said assistant prosecuting attorney shall hold his office during the pleasure of the prosecuting attorney of said county.

SEC. 4. That said assistant prosecuting attorney shall and ^{Duties.} he is hereby given authority to perform such duties as may be required of him by the prosecuting attorney, and shall be subject to all the disqualifications and disabilities of the prosecuting attorney in other cases, and shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of this State and file the same, together with his acceptance, with the county clerk of said county.

SEC. 5. That in case of removal the prosecuting attorney of ^{Removal.} said county shall file with the clerk of said county a revocation of such appointment.

This act is ordered to take immediate effect.

Approved February 24, 1897.

[No. 315.]

AN ACT to provide for the registration of electors in the city of Alpena.

SECTION 1. *The People of the State of Michigan enact,* That ^{General re-registration.} there shall be held in the city of Alpena prior to the spring election of the year eighteen hundred ninety-seven, a general re-registration of all the electors and voters in said city, and that there shall be a re-registration in said city prior to the spring election in the year nineteen hundred and then every four years thereafter.

SEC. 2. The common council of said city shall designate the ^{Council to designate time and place for.} time and places for holding said registration, which shall not be less than five nor more than twenty days preceding said general election. The city recorder shall provide the necessary books for said registration in which shall be recorded the name of the voter, age, residence, last place of residence, and if naturalized citizen, date of naturalization, together with proper columns for indicating or checking off the name of the individual electors as they offer themselves to vote at the different elections.

This act is ordered to take immediate effect.

Approved February 26, 1897.

[No. 316.]

AN ACT to reincorporate the city of Ironwood, in the county of Gogebic, and to repeal all acts and parts of acts inconsistent herewith.

CHAPTER I.

CITY AND WARD LIMITS.

Territory incorporated in the city of Ironwood.

SECTION 1. *The People of the State of Michigan enact, That the following described territory in the county of Gogebic and State of Michigan, to wit: The south one-half of the southwest quarter of section thirteen, the south half of the south half of section fourteen, south half of south half of section fifteen, south half of the southeast quarter of section sixteen, lot number four of said section sixteen, fractional section twenty-one, sections twenty-two and twenty-three, the west half of section twenty-four, the west half of section twenty-five, all of section twenty-six, and fractional section twenty-seven, all being in township forty-seven north, of range forty-seven west, in the county of Gogebic and State of Michigan, be and the same is hereby set off from the township of Ironwood, and the same is hereby incorporated and shall hereafter be known as the city of Ironwood.*

Divided into eight wards.
First ward.

SEC. 2. Said city shall be divided into eight wards, bounded and described as follows, to wit: The first ward shall consist of that part of the city described as follows: Commencing at a point where the center line of Lowell street intersects with the center line of the main track of the Chicago & Northwestern Railway Company; thence westerly along the center of the main line of said Chicago & Northwestern Railway Company to a point where the center of the main track or line of the said Chicago & Northwestern Railway Company crosses or intersects the center of the main stream of the Montreal river; thence southerly along the center of the main stream of said river to a point where the center of the main stream of said river intersects with the north and south quarter line of said section twenty-seven; thence north along the north and south quarter line of sections twenty-two and twenty-seven to a point where said north and south quarter line intersects with the east and west eighth line of the south half of said section twenty-two; thence westerly along said east and west eighth line to a point where it intersects with the center line of Lowell street; thence northwesterly along the center line of Lowell street to the place of beginning.

Second ward.

The second ward of said city shall embrace all that portion of said city bounded as follows: Commencing at a point where

the main line of said Chicago & Northwestern Railway Company intersects the center line of Lowell street; thence easterly along the center line of the main line of said Chicago & Northwestern Railway Company to a point where said main line intersects with the north, east and west eighth line of said section twenty-two; thence westerly along said eighth line to a point where it intersects with the north and south quarter line of said section twenty-two; thence northerly along the said quarter lines of said sections twenty-three and fifteen to a point where it intersects with the south eighth line of said section fifteen; thence westerly along the south eighth lines of said sections fifteen and sixteen, to a point where it intersects with the main stream of the said Montreal river; thence southerly along the center of the main stream of the said river to a point where it intersects with the center of the main line of the said Chicago & Northwestern Railway Company; thence easterly along the center of the main line of the said Chicago & Northwestern Railway Company to the place of beginning.

The third ward of said city shall embrace all that portion Third ward. of said city described as follows: Beginning at a point where the main line of the Chicago & Northwestern Railway Company intersects the center line of Lowell street, thence southeasterly along the center line of said Lowell street to a point where it intersects with the south, east and west eighth line of section twenty-two; thence easterly along said eighth line to a point where it intersects with the center of the main spur of the said Chicago & Northwestern Railway Company to the Norrie mine; thence northerly along the center of the main spur of the Chicago & Northwestern Railway Company to a point where it intersects with the center line of Ayer street; thence northerly to a point in the center of the main line of said Chicago & Northwestern Railway Company directly south of and in line with the east line of Case street; thence westerly along the center of the main line of said Chicago & Northwestern Railway Company to the place of beginning.

The fourth ward shall embrace all that portion of said Fourth ward. city bounded and described as follows: Beginning at a point on the north eighth line of said section twenty-two directly north of and in line with the center line of Curry street extended to said north eighth line; thence westerly along said north eighth line to a point where it intersects with the center of the main line of the Chicago & Northwestern Railway Company; thence southwesterly along the center of the main line of the said Chicago & Northwestern Railway Company to a point directly south of and in line with the east line of Case street; thence southerly to a point in the center of said main spur of the Chicago & Northwestern Railway Company to the Norrie mine, where the center line of said main spur intersects with Ayer street; thence southeasterly along the center of said main spur of said Chicago & Northwestern Railway

Company to a point where it intersects with the center line of Vaughn street; thence easterly along the center line of Vaughn street to a point where it intersects with the center line of Curry street; thence northerly along the center line of Curry street extended north to the place of beginning.

Fifth ward.

The fifth ward shall embrace all that portion of said city bounded and described as follows: Beginning at the intersection of the north and south quarter line and the south, east and west eighth line of section fourteen; thence westerly along the south, east and west eighth line of sections fourteen and fifteen to a point where it intersects with the north and south quarter line of section fifteen; thence southerly along the north and south quarter line of said sections fifteen and twenty-two to a point where it intersects with the north, east and west eighth line of said section twenty-two; thence easterly along said south, east and west eighth line of said section twenty-two to a point where it intersects with the center line of Curry street extended north to said eighth line; thence southerly along said center line of Curry street extended to said eighth line and along the center line of Curry street to its intersection with the center line of Vaughn street; thence southerly to a point on the south, east and west eighth line of said section twenty-two directly south of and in line with the center line of Curry street extended south to said eighth line; thence easterly along said south, east and west eighth line of section twenty-two to a point where it intersects the section line between sections twenty-two and twenty-three; thence southerly on said section line between sections twenty-two and twenty-three to the corner of sections twenty-two, twenty-three, twenty-six and twenty-seven; thence easterly along the section line between said sections twenty-three and twenty-six to a point where said section line between said sections twenty-three and twenty-six intersect the west, north and south eighth line of said section twenty-three; thence northerly on said west, north and south eighth line of said section twenty-three to a point where said west, north and south eighth line of said section twenty-three intersects the north, east and west eighth line of said section twenty-three; thence easterly along the said north, east and west eighth line of said section twenty-three to a point where said north, east and west eighth line of said section twenty-three intersects the north and south quarter line of said section twenty-three; thence northerly along said north and south quarter line of said sections twenty-three and fourteen to the place of beginning.

Sixth ward.

The sixth ward of said city shall embrace all that portion of said city bounded and described as follows: Beginning at a point where the center line of Curry street intersects with the center line of Vaughn street; thence westerly along the center line of Vaughn street to a point where it intersects

with the center line of said main spur of the Chicago & Northwestern Railway Company; thence southerly along the center of said main spur to a point where it intersects with the south, east and west eighth line of section twenty-two; thence westerly along the center of said eighth line to a point where it intersects the north and south quarter line of said section twenty-two; thence southerly along the north and south quarter line of sections twenty-two and twenty-seven to a point where it intersects with the center of the main stream of said Montreal river; thence southerly along the main stream of said Montreal river to a point where it intersects with the south section line of section twenty-seven; thence easterly along the south section line of section twenty-seven to the corner of section twenty-six and twenty-seven, thirty-four and thirty-five; thence northerly along the section line between sections twenty-six and twenty-seven and said sections twenty-two and twenty-three to a point where the said section line intersects the south, east and west eighth line of said sections twenty-two and twenty-three; thence westerly along said eighth line of section twenty-two to a point on said south, east and west eighth line of section twenty-two directly south of and in line with the center line of Curry street extended south to said south, east and west eighth line of said section twenty-two; thence northerly along said center line of Curry street extended south to the place of beginning.

The seventh ward shall embrace all that part of said city Seventh ward. bounded and described as follows: Beginning at the intersection of the north and south quarter line and the north, east and west eighth line of section twenty-three; thence westerly along the said north, east and west eighth line of section twenty-three, to a point where it intersects with the west, north and south eighth line of said section twenty-three; thence southerly along said west, north and south eighth line of section twenty-three to a point where it intersects with the section line between sections twenty-three and twenty-six; thence westerly along said section line between sections twenty-three and twenty-six to the corner of sections twenty-two, twenty-three, twenty-six and twenty-seven; thence southerly along the section line between sections twenty-six and twenty-seven to the corner of sections twenty-six, twenty-seven, thirty-four and thirty-five; thence easterly along the section line between sections twenty-six and thirty-five to the corner of sections twenty-six, thirty-five, twenty-five and thirty-six; thence northerly along the section line between sections twenty-five, twenty-six, twenty-three and twenty-four to a point where said section line between sections twenty-five, twenty-six, twenty-three and twenty-four intersects the east and west quarter line of sections twenty-three and twenty-four; thence westerly along said east and west quarter line of said section twenty-three to a point where it intersects the

north and south quarter line of section twenty-three; thence northerly on said north and south quarter line of section twenty-three to the place of beginning.

Eighth ward.

The eighth ward of said city shall embrace all of that portion of the city bounded and described as follows: Beginning at the intersection of the north and south quarter line of section thirteen and the south, east and west eighth line of said section thirteen; thence westerly along the south, east and west eighth line of sections thirteen and fourteen to a point where it intersects with the north and south quarter line of section fourteen; thence southerly along the north and south quarter line of sections fourteen and twenty-three to a point where it intersects with the east and west quarter line of section twenty-three; thence easterly along the east and west quarter line of section twenty-three to the quarter post between sections twenty-three and twenty-four; thence southerly along the section line between sections twenty-three and twenty-four, and twenty-five and twenty-six, to the corner of sections twenty-five, twenty-six, thirty-five and thirty-six; thence easterly along the section line between sections twenty-five and thirty-six to the quarter post between the corner posts between said sections twenty-five and thirty-six; thence northerly along the north and south quarter line of sections twenty-five, twenty-four and thirteen, to the place of beginning.

Street lines,
etc.

SEC. 3. Whenever, in the next preceding section of this act, street lines or street junctions are referred to, they shall be held to mean the street lines and junctions of streets of the city of Ironwood, as existing at the time said city was incorporated by act number two hundred twenty-five of the local acts of the year one thousand eight hundred and ninety-one.

CHAPTER II.

EFFECT OF INCORPORATION.

City may sue
and be sued,
etc.

SECTION 1. The city shall be a body politic and corporate under and by the name of the city of Ironwood, and by such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for the purposes for which it is incorporated, have a common seal and change the same at pleasure, and exercise all powers in this act conferred.

Common seal.

Judicial notice
of incorpora-
tion.

Conflicting
laws repealed.

SEC. 2. Judicial notice shall be taken in all courts and proceedings therein, in this State, of the existence of the city of Ironwood as incorporated under this act, and from the time this act shall become a law, all the provisions of this act shall become applicable to the said city of Ironwood and all laws in conflict therewith shall be repealed.

SEC. 3. All ordinances, by-laws, resolutions, rules and regulations, in force in the city of Ironwood when this act shall take effect, and not inconsistent herewith, shall continue in full force and effect until repealed or amended by the common council established by this act.

Previous ordinances to remain in force.

SEC. 4. All rights and property of any kind and description which were vested in the city of Ironwood under its former organization shall be deemed and held to be vested in the corporation created under this act, and no rights or liabilities either in favor of or against the city of Ironwood under its former organization, existing at the time of the passage of this act, and no suit or prosecution of any kind shall be in any way affected by such change, but the same shall stand or progress as if no such change had been made, and all the debts and liabilities of the former city of Ironwood shall be deemed to be the debts and liabilities of the corporation created under this act, and all the taxes levied and uncollected at the time of this change, shall be collected the same as if such change had not been made: *Provided*, That when another and different remedy is given in this act which can be made applicable to any rights existing at the time of the incorporation of the city under this act, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

Rights, property, etc., of former incorporation vested in city under this act.

Suit.

Taxes.

CHAPTER III.

ELECTORS AND REGISTRATION.

SECTION 1. The inhabitants of said city having the qualifications of electors under the constitution of the State, and no others shall be electors therein. Every elector shall vote in the ward where he shall have resided during the twenty days next preceding the day of election. The residence of any elector not being a house-holder shall be deemed to be in the ward in which is located his regular place of lodging.

Who electors.

SEC. 2. The aldermen of each ward shall constitute the board of registration therein for all elections conducted in said city. If for any cause there shall not be any, or a sufficient number of aldermen representing any ward, to constitute a board of registration of two persons, the common council shall supply the vacancy or appoint a board of registration for such ward. Any alderman being unable to act on the board of registration, may appoint a substitute, who must be an elector of the ward, but said appointment shall be in writing and shall be filed with the city clerk and the person so appointed shall take the constitutional oath of office before serving.

Aldermen to be board of registration.

Vacancy.

Sessions of
boards.

SEC. 3. Each ward shall be an election district. On the Saturday next preceding a general election, and on the Saturday next preceding the day of the regular city election, or any special or other election, and on such other days as shall be appointed by the council, not exceeding three days in all, previous to any such election, the several boards of registration for the city, shall be in session at such places in their several wards as shall be designated, as hereinafter provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the lists of the qualified voters; during which session or sessions it shall be the right of each person then actually residing in any ward and who, at the then next approaching election may be a qualified elector, in such ward, and whose name is not already registered, to have his name entered in the register of such ward.

Council to
fix places
of meeting.

SEC. 4. At least two weeks previous to the commencement of any such session of the several boards of registration, the council shall fix the place in each ward of the city where the board of registration shall meet, and at least eight days before such session of the board, the city clerk shall give notice by handbills posted in ten public places in each ward, and by publication in one or more newspapers printed in the city, of the time and place in each ward when and where the board of registration for each ward will meet.

Notice.

Re-registra-
tion.

SEC. 5. The boards of registration in said city, at their sessions previous to any general election in November, shall make a re-registration of the qualified electors of their respective wards, in books of the form provided by law, which registration shall be conducted in the same manner as is now or may hereafter be provided by the general election laws of the State.

General law
to govern.

SEC. 6. In regard to all matters not provided for in this act, the general laws of this State relating to the registration of electors, in cities, shall apply to the registration of electors in this city.

CHAPTER IV.

ELECTIONS.

Annual
election.

SECTION 1. An annual city election shall be held on the first Monday in April, in each year, at such places in each of the several wards of the city as the common council shall designate.

Special
election.

SEC. 2. Special elections may be called by resolution of the common council, and shall be held in and for the city, or in and for any ward thereof at such times and place or places, as the council shall designate, the purpose and object of which shall be fully set forth in the resolution calling such election.

SEC. 3. Whenever a special election is to be held the council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held, a notice signed by the city clerk, specifying the officer or officers to be chosen and the question or proposition if any to be submitted to the vote of the electors, and the day and place when and where such election is to be held; and the proceedings and the manner of holding the election shall be the same as at the annual election.

Notice of
special
election.

SEC. 4. Notice of the time and place, or places, of holding any election, and of the officers to be elected, and the questions to be voted upon, shall, except as herein otherwise provided, be given by the city clerk at least ten days before such election, by posting such notices in three public places in each ward in which the election is to be held, and by publishing a copy thereof in one or more newspapers published in the city at least once before any said election, and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

Notice of
election.

SEC. 5. The council shall provide and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes, booths and other appliances of the kind required by law to be kept for that purpose, and a reasonable time before any election shall cause said booths to be erected in the various polling places in the city for use on the day of election; and it shall be the duty of the city clerk to cause said ballot boxes and appliances to be delivered at said polling places before each election as is provided by the general law.

Ballot boxes,
etc.

SEC. 6. On the day of any election, held by virtue of this act, the polls shall be opened in each ward at the several places designated by the council, and shall be kept open and shall be closed at and during such times as may be provided for elections under the general law.

Time polls to
be kept open.

SEC. 7. The supervisor and the two aldermen of each ward shall (except as in this act otherwise provided) constitute the board of inspectors of election. If for any reason there shall not be a sufficient number of the officers last named in any ward to make the number of three inspectors it shall be the duty of the council, at least three days before the election, to appoint a sufficient number of electors who, with the officers above named, if any in the ward, shall constitute a board of three inspectors for the ward, and if at any election any of the inspectors above provided for shall not be present or remain in attendance, the electors present may fill said vacancy or vacancies in the manner provided for by the general law.

Inspectors of
election.

SEC. 8. The inspectors of election, provided for above, shall be inspectors of State, county and district elections in their respective wards, and they shall organize as said board of inspectors at each election and take the constitutional oath of

Duties of
inspectors.

**Powers of
inspectors.**

**Votes, how
canvassed.**

**Duties of
inspectors.**

**Election com-
missioners,
duties of.**

**Electors to vote
by ballot.**

**Council to con-
vene after each
election and
determine
results.**

office in the same manner as is now or may hereafter be provided by the general election laws of the State. All elections held under the provisions of this act shall be conducted, as nearly as may be, in the manner provided by law for holding general elections in cities; and the inspectors of any such election shall have the same powers and authority for all purposes as are conferred upon inspectors of elections by the general election laws of the State at general elections; the manner of canvassing the votes at any such election shall be the same as is now or may hereafter be prescribed by law for canvassing votes at the general election held in this State, and the inspectors shall in all other respects conform as nearly as may be to the duties required of inspectors of election by the general laws of the State.

SEC. 9. Immediately after closing the polls the inspectors of elections shall, without adjourning, make a statement in writing, setting forth in words at full length, the whole number of votes given for each office, the names of the persons for whom such votes for each office were given and the number of votes so given for each person, and the whole number of votes given upon each question voted upon, and the number given for and against the same, which statement shall be certified under the hands of the inspectors to be correct, and they shall deposit such statement and certificates on the day of election, or on the next day, together with said poll list and the register of electors, with the boxes containing said ballots in the office of the city clerk.

SEC. 10. The council shall, at least twenty days previous to the annual election, appoint a board of three election commissioners, not more than two of whom shall belong to the same political party, who shall be the board of election commissioners for the city for the ensuing year and they shall perform such duties relative to the preparation, printing and distribution of ballots at all city elections as are required by law of the boards of election commissioners of counties.

SEC. 11. The electors shall vote by ballot. Such ballot shall be prepared and furnished by the board of election commissioners as provided by the general election laws of the State and shall contain the names of all officers to be voted for, and all questions or propositions submitted to be voted upon, and all matters touching the form and contents of the ballot shall be the same, as near as may be, as is or may hereafter be provided by the general election laws of the State.

SEC. 12. The council shall convene on the Tuesday next succeeding each election, at their usual place of meeting, and determine the results of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively, and thereupon the city clerk shall make duplicate certificates under the corporate seal of the city of such determination, showing the

results of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively, one of which certificates he shall file in the office of the county clerk of the county of Gogebic, and the other shall be filed in the office of the city clerk.

SEC. 13. The person receiving the greatest number of votes for any office in the city or ward, shall be deemed to have been duly elected to such office, and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons which shall be elected to such office.

Number of
votes necessary
to elect.

SEC. 14. It shall be the duty of the city clerk within three days after the meeting and determination of the council as provided in the preceding section, to notify each person elected, in writing, of his election, and he shall also within three days after the appointment of any person to any office in like manner notify such person of such appointment.

City clerk to
notify persons
elected.

CHAPTER V.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

SECTION 1. The following officers shall be elected at large in the city incorporated by this act: A mayor, a city clerk, a city treasurer and two justices of the peace. These shall be elected in each ward of the city, by the qualified electors thereof, one supervisor, two aldermen and one constable who are to be voted for on the same ticket with the city officers at large: *Provided*, That no person shall be eligible to the office of city treasurer for more than two terms in succession.

Officers to
be elected.

SEC. 2. The following officers shall be appointed annually by the mayor, namely: The city attorney, one marshal, one assessor, one street commissioner, one health officer, one city engineer and one chief of the fire department. The council may also from time to time, provide by ordinance, for the appointment of such other officers, whose election or appointment are not in this act specifically provided for, as the council may deem necessary for the execution of the powers granted by this act. The manner of appointment, powers, duties, salary and term of office of any such officer shall be prescribed by the ordinance creating the office.

Officers to
be appointed.

Council may
provide by
ordinance for
appointment
of officers not
provided for.

SEC. 3. All appointments to office to be made by the mayor, as provided by this act, except those to fill vacancies and newly created offices, shall be reported by him annually, to the council at its first meeting, to be held, as hereinafter provided, after each annual election. Appointments which for any cause shall not be made on that day, may be made by the mayor and confirmed by the council at any subsequent regular

Mayor to
report ap-
pointments
annually.

Council to confirm.	meeting of the council. It shall be the duty of the council to confirm or reject all appointments at the meeting when reported to them by the mayor. No person whose appointment has been rejected by the council shall be eligible for appointment to the same office during the year when so rejected.
No person once rejected to be appointed.	
Terms of elective offices.	SEC. 4. The mayor, city clerk, city treasurer, supervisors and constables shall hold their offices for the term of one year from the second Monday in April of the year when elected and until their successors are elected and qualified and enter upon the duties of their offices.
Election of aldermen.	SEC. 5. One alderman shall be elected, in each ward of the city, at the first annual election held under this act and annually thereafter, and the term of office of such alderman shall be for two years from the second Monday in April of the year when elected, and until their successors are elected and qualified. The aldermen holding office at the time this act shall take effect shall continue to hold their respective offices until their terms of office expire or their offices become vacant and until their successors are duly elected and qualified.
Present aldermen to hold office.	
Term of appointive officers.	SEC. 6. The terms of office of all officers to be appointed by the mayor or council, as provided by this act, shall begin on the first Monday in May of the year when appointed and shall continue for one year and until their successors are appointed and qualified, except those appointed to fill vacancies and newly created offices. Appointments to fill vacancies shall be for the balance of the term and appointments to newly created offices shall be subject to the provisions of the ordinance creating them.
Appointments to fill vacancies.	
Present justices to hold offices.	SEC. 7. The justices of the peace holding offices in the city, at the time this act shall take effect shall continue in office until their terms expire. At the annual election held on the first Monday in April, eighteen hundred ninety-eight, one justice of the peace shall be elected for a term of four years and biennially thereafter one justice of the peace shall be elected for a term of four years. Justices of the peace not elected to fill vacancies, shall enter upon the duties of their offices on the fourth day of July next after their election.
Justices, when to be elected.	
When terms of justices to begin.	
Oath of office of justices.	SEC. 8. Justices of the peace elected under this act shall take and file an oath of office with the county clerk of the county of Gogebic within the same time and in the same manner as in the cases of the justices of the peace elected in townships and all justices of the peace elected for a term of less than four years shall file their oaths of office within ten days after their election.
Justices to file securities.	SEC. 9. Every justice of the peace within the time limited for filing his official oath, shall file with the county clerk mentioned in the preceding section, the security for the performance of the duties of his office required by law in case of justices of the peace elected in townships, except that said official

bond, or security may be executed in the presence of, and be approved by, the mayor; and in case he shall enter upon the execution of the duties of his office before having filed his official oath, and bond or security to the city, as may be required by law, or by any ordinance or resolution of the council he shall be liable for the same penalties as are provided in cases of justices of the peace elected in townships.

Penalty.

SEC. 10. All officers elected or appointed to fill vacancies shall enter upon their duties immediately after complying with the provisions of law with respect to qualifying.

Officers;
vacancies.

SEC. 11. No person shall be elected or appointed to any office unless he be an elector of the city, and if elected or appointed for a ward, he must be an elector thereof; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or to any board or officers thereof, or to any school district, county, or other municipal corporation of the State. All votes for, or any appointment of, any such defaulter shall be void.

Officers to be
electors.

Defaulters.

SEC. 12. All officers, either elected or appointed, except justices of the peace, shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State and file the same with the city clerk.

Officers to take
and file oath of
office in ten
days.

SEC. 13. Every person elected or appointed to an office under this act, except justices of the peace, before entering upon the duties of his office and within the time prescribed for filing his official oath, shall file with the city clerk such bond or security as may be required by law or by any ordinance or resolution of the council, and with such sureties as shall be approved by the council, for the due performance of the duties of his office, except that the bond or security, shall be deposited with the city treasurer. No bond or recognizance given to the city by any officer under the provisions of this act shall be held invalid for want of any matter of form. A bond shall be valid if given where recognizance is required and no bond shall be held invalid because not complying with the statute, but shall be as valid as if the statute is complied with.

Officers to file
bond.Lack of
form not to
invalidate.

SEC. 14. The council, or mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer, or person of whom a bond or any security may be required by this act, or by any ordinance or direction of the council, shall inquire into the sufficiency of such sureties and examine them under oath as to their property. Such oath may be administered by the mayor or any alderman, or any person authorized to administer oaths. The examination of any such sureties shall be reduced to writing and signed by him and annexed to and filed with the bond or instrument to which it relates.

Examination
of sureties on
official bonds.

Oaths.

Council may require any officer to give additional bond.

SEC. 15. The council may also, at any time, require any officer, whether elected or appointed, to execute and file with the clerk of the city any official bond in the sum or such further sum and with new or such further sureties as such council may deem requisite for the interests of the corporation, and failure to comply with such requirements shall subject the officer to immediate removal by the council.

Resignation of officers.

SEC. 16. Resignation of officers shall be made to the mayor. If any officer shall become a defaulter to the city the office he occupies shall thereby become vacant.

Office to be vacated.

SEC. 17. If any officer shall cease to be a resident of the city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated.

Failure of officers to qualify.

SEC. 18. If any officer elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time limited therein, the council shall declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security.

When and how vacancies are to be filled.

SEC. 19. In case any vacancy occurs in the office of mayor or in any other elective office, except justice of the peace, the council may fill such vacancy by appointment at any time within twenty days after such vacancy occurs or may, within such time, call a special election for the purpose of filling such vacancy, as they may deem for the best interest of the city, but no special election shall be called where a vacancy in any office occurs within ninety days previous to any annual election. The mayor shall fill all vacancies in appointive offices within ten days after any such vacancy occurs and shall report the same to the council at its next regular meeting for their approval.

Officer and sureties not exonerated by resignation.

SEC. 20. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

Officer to turn over books, etc. to successor.

SEC. 21. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall have expired, he shall, on demand, deliver to his successor in office all the books, papers, money and effects in his custody as such officer and in any way pertaining to his office, and every person violating this provision shall be deemed guilty of a misdemeanor and may be proceeded against in the same manner as public officers generally for like offenses under the general law of this State now or hereafter in force and applicable thereto, and every officer elected or appointed under this act shall be deemed an officer within the meaning and provision of such general laws of this State.

How offices to become vacant

SEC. 22. Every office shall become vacant on the happening of either of the following events, before the expiration of the term of office: The death of the incumbent; his resignation;

his legal removal from office; his ceasing to be an inhabitant of the city or ward, if his office be a ward office; his conviction of any infamous crime; any offense involving the violation of his oath of office; the decision of a competent tribunal declaring void his election or appointment; and his refusal or neglect to take the requisite oath of office or to give any official bond or to deposit such oath or bond, in the manner and within the time prescribed in this act or by law, except as otherwise in this act provided.

CHAPTER VI.

COMPENSATION OF OFFICERS.

SECTION 1. The mayor shall receive for his services, in full, the sum of fifty dollars per year. Mayor.

Each alderman shall receive the sum of two dollars for each meeting of the common council and two dollars per day for each day served as member of the board of review or board of registration or as inspector of elections, but no alderman shall receive any compensation for any meeting of the council he does not attend nor for services on the boards of review and registration or as inspector of election when not actually present and acting. Aldermen.

The common council shall, at its first meeting after each annual election fix the salaries of all city officers unless otherwise provided by this act or by law but subject to the following limitations: Council to fix salaries.

The city clerk shall receive not to exceed eight hundred dollars per annum. Clerk.

The assessor shall receive not to exceed three hundred and fifty dollars per annum. Assessor.

The city attorney shall receive not to exceed five hundred dollars per annum. Attorney.

The city marshal shall receive not to exceed nine hundred dollars per annum, but he shall also be entitled to receive from the city, for the board of prisoners, confined in the city prison, on city process, the same compensation allowed the sheriff of Gogebic county for board of prisoners by the board of supervisors, and all said bills for board of prisoners shall be submitted by him monthly and be sworn to by him as true and accurate. Marshal.
Board of prisoners.

The street commissioner shall receive not to exceed six hundred dollars per annum. Street commissioner.

The policemen shall receive not to exceed fifty-five dollars per month. Police.

The health officer shall receive not to exceed three hundred dollars per annum. Health officer.

Engineer. The city engineer shall receive such compensation as the common council may allow for actual services performed for the city.

Chief of fire department. The chief of the fire department shall receive not to exceed eight hundred dollars per annum.

Justices. Each justice of the peace of the city shall receive the sum of fifty dollars per annum, in lieu of all fees for the trial of causes under the ordinances of the city and for all services of whatever nature and kind performed for the city.

Firemen. The members of the regular paid force of firemen shall receive not to exceed fifty-five dollars per month.

Other officers. SEC. 2. The compensation of all other officers and employes not herein specified shall be such sums as the common council shall direct, and the salary or rate of compensation of any officer elected or appointed by authority of this act shall not be increased or diminished during his term of office.

When not to increase salaries. SEC. 3. If any officer whose compensation is limited in this act, accepts, receives or takes a greater salary, compensation, perquisites or fees than is prescribed and limited herein, in any manner whatever, either directly or indirectly, from said city, he and all members of the common council voting or allowing him the same shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty nor more than one hundred dollars, with costs, or by imprisonment in the county jail, in default of paying said fine and costs, not less than thirty days nor more than ninety days in the discretion of the court.

Penalty for receiving more compensation. SEC. 4. The supervisors of each ward of the city, as above provided, shall receive a compensation for their services while actually employed in their duties as members of the board of supervisors of Gogebic county, the same sum per day as supervisors performing like duties in townships as is now or may hereafter be allowed by law, which compensation shall be audited and paid by the county as other supervisors are paid.

Supervisors.

CHAPTER VII.

DUTIES AND QUALIFICATIONS OF OFFICERS.

MAYOR.

Duties of mayor. To preside at council meetings. SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at all meetings of the common council, when present, but shall have no vote except in the case of a tie vote when he may cast the deciding vote. He shall, from time to time, give the council information concerning the affairs of the city and recommend such measures as he may deem expedient. He shall also sign all orders and warrants drawn on the city treasurer, or any fund. He shall

Sign orders.

have authority at all times to examine and inspect the books, records and papers of any agent, employé or officer of the corporation and shall perform generally all such duties as are or may be prescribed by the ordinances of the city or by resolution of the council. He shall by authority of his office be authorized to administer oaths and affirmations, and may affix to any certificate the seal of the city.

May administer oaths. Affix seal.

SEC. 2. The mayor shall be a conservator of the peace and may exercise within the city the powers conferred upon sheriffs to suppress disorder. It shall be his duty to see that the laws of the State and the ordinances of the common council are faithfully executed and he shall have authority to command the assistance of all able bodied citizens to aid in the enforcement of said laws and ordinances and to suppress riot and disorderly conduct. He shall also have power and it shall be his duty to preserve order and decorum in the council room during the sessions of the common council, and for this purpose may order any disorderly person, not a member of the council to be arrested for disorderly or contemptuous conduct in his presence, and imprisoned for a period not exceeding twenty-four hours.

Conservator of peace.

Riot, etc.

To preserve order at meetings of council.

SEC. 3. It shall be the duty of the mayor to exercise supervision over the several departments of the city government and he shall keep a constant supervision and control over the conduct of all subordinate officers and shall receive and examine into all complaints against them for neglect of duty or other offense. He may remove or suspend any officer appointed by him, at any time, for neglect of duty or other cause, when in his opinion the interests of the city require it, and may appoint any competent person to fill such office until the officer is reinstated or his successor is duly appointed. The mayor shall report any removal and his reasons for the same, to the council at its next regular meeting, and shall then announce to the council, for their approval, the name of the person he has appointed to fill such vacancy. The council may refuse to approve such appointment and may reinstate the officer removed by a vote of two-thirds of all the aldermen elect.

To have supervision, etc.

Complaints against officer.

May remove or suspend officers.

Council may reinstate.

SEC. 4. The mayor, or other officer, legally exercising the powers and duties of mayor, shall have power to veto any ordinance, motion or resolution passed by the common council, but in order to give legal effect to any such veto, he shall, within forty-eight hours after the passage of any such ordinance, motion or resolution, file in the office of the city clerk his reasons in writing for the same. No ordinance, motion or resolution so vetoed shall have any force or effect unless the common council shall at its next regular meeting, re-pass the same by a two-thirds vote of all the aldermen elect, but if so re-passed it shall go into effect according to the terms

Mayor may veto ordinances, etc.

Clerk to notify
aldermen.

thereof. It shall be the duty of the city clerk to notify each alderman in writing, of any such veto, within twenty-four hours after the same shall have been filed in his office.

ALDERMEN.

Members of
council.

Conservators
of the peace.

Duties regard-
ing streets, etc.

To hold no
other office.

Not to sign
official bonds.

Violation
vacates office.

SEC. 5. The aldermen of the city shall be members of the common council and attend the meetings thereof and act upon committees when thereunto appointed by the mayor or council. They shall be conservators of the peace and shall aid in maintaining quiet and good order in the city and in securing the faithful performance of duty by all officers of the city. It shall be their duty to see that the streets and sidewalks of their several wards are kept in good repair and to inform the street commissioner when and where such work needs to be done.

SEC. 6. No alderman shall hold any other office under this act, the compensation for which is paid and audited by the common council, except as is otherwise provided in this act. No alderman shall become surety on or sign any official bond required under the provisions of this act, from any officer of the city, nor any other bond, the sufficiency of which the common council is by law required to pass upon. Any alderman who shall violate the provisions of this section shall be deemed to have vacated his office, but the validity of any such bond shall not be affected thereby.

CITY CLERK.

Clerk of
council shall
keep seal, etc.

To certify
copies of
papers, etc.

To attend
meetings of
council, etc.
Claims.

Licenses.
Proposals.

SEC. 7. The city clerk shall be the clerk of the common council and shall possess and exercise the powers of a township clerk so far as the same are required to be performed within the city and he shall have authority to administer oaths and affirmations, he shall keep the corporate seal, and all documents, official bonds, papers, files, vouchers and records of the city, not by this act, by law or the ordinances of the city entrusted to some other officer; he shall when required make and certify under the seal of the city, copies of the papers and records filed and kept in his office and such copies shall be evidence, in all places, of the matters therein contained, to the same extent as the originals would be.

SEC. 8. The clerk or his authorized deputy, shall attend all meetings of the common council; he shall keep an accurate record of all the proceedings of the council and of all claims allowed or disallowed by it; he shall keep a book of ordinances in which he shall accurately record all ordinances legally passed by the council; he shall countersign and register all licenses granted; he shall advertise for and receive proposals for all contracts and shall sign the same, for and on behalf of the city and report his actions thereon to the council, unless

otherwise provided by the council; he shall purchase all books, stationery and incidentals for the offices of the city unless otherwise provided by the council; he shall countersign and register all bonds issued, with the number, amount and dates when issued, when payable, and all coupons attached thereto, and keep account in proper books of all such bonds for the information of the council; he shall sign all burial permits, cemetery deeds and all evidences of debt and transfer of property which the common council is authorized to issue or make, pledging the faith of the city.

Purchase books, etc.

Bonds.

Burial permits, etc.

SEC. 9. The clerk shall be the general accountant of the city, and all claims against the corporation shall be filed with him for adjustment, and after examination thereof he shall report the same, with all accompanying vouchers and counterclaims of the city and the true balance as found by him, to the council for allowance and when allowed he shall number and file said claims as permanent records of his office and shall then draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made and take proper receipts therefor, but when any fund or appropriation has been exhausted by warrants already drawn, or by appropriations, liabilities, debts or expenses actually incurred or contracted for, no warrant shall be drawn on such fund or appropriation until the same has been replenished; and he shall immediately notify the council when any fund has become exhausted; he shall keep a complete set of books exhibiting the financial condition of the corporation and all its departments, funds, resources and liabilities, with a proper classification thereof and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer in which he shall charge him with all moneys received from all sources for each of the several funds of the city and credit him with all the warrants drawn thereon keeping a separate account with each fund, he shall charge the treasurer with all taxes which may be placed in his hands for collection, and all other officers of the corporation with all property placed or being in their possession and for that purpose shall keep a list of all property of the city and on or before the last day of February of each year shall take an inventory of all such property and shall give said officers credits for all property consumed, expended and destroyed by ordinary wear and use and not otherwise, and shall file said inventory among the permanent records of his office and in case he shall find any delinquencies or deficiencies on the part of any officer he shall immediately report the same to the council for their action; he shall keep a record of all officers and employes of the city and certify to the council the pay-rolls and wages of all such officers and employes; he shall also perform such other duties as may be required of him by the common council not inconsistent with this act and the laws of the State.

General accountant.

Warrants.

No orders to be drawn on exhausted funds.

Notify council of same. To keep set of books.

Account with treasurer.

Charge officers with property.

List of property.

Inventory.

To report delinquencies.

Record of officers and employes.

When taxes
levied to
report to
treasurer.

SEC. 10. When any tax or assessment shall be levied, raised or apportioned the clerk shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised or apportioned and the amounts thereof to be credited to each fund.

Annual state-
ment of
finances.

SEC. 11. The clerk shall, on the second Tuesday in the month of March in each year, make out and present to the common council a full statement and balance sheet of the financial accounts of the city for the past fiscal year and shall also add thereto in detail, a statement of the amount of money which in his judgment it will be necessary to raise by taxation for all city purposes for the succeeding year.

Clerk to notify
council of
officers failing
to qualify.

SEC. 12. When the time in which any official bond or oath of office is required to be filed shall have expired the clerk shall report the same in writing to the common council at its next regular meeting giving the names of the person or persons elected or appointed to any office, who shall have neglected to file such oath and requisite bond or security, for the performance of the duties of the office.

Publication
of proceedings
and ordinances.

SEC. 13. The clerk shall cause an accurate copy of the recorded proceedings of each of the meetings of the common council to be published, at least once, in one or more English newspapers printed and published in said city, as may be directed by the common council, within eight days after each session of the common council. He shall also cause all ordinances to be published in the same manner and within the same time after their final passage.

Clerk may
appoint deputy.

SEC. 14. The clerk may, subject to the approval of the common council, appoint one person as a deputy, who shall possess all the powers and authority of the city clerk, subject to the control of the clerk and whose services shall be paid for by the clerk. The clerk shall be responsible for all the acts and defaults of such deputy and may remove him at his pleasure.

Clerk to give
bond.

SEC. 15. The city clerk shall give a bond to the city with at least three sureties, in such sum as the common council may require, for the faithful performance of his duties.

To perform
other duties.

SEC. 16. The clerk shall perform promptly all other legal duties that may be required of him by law or by act of the common council.

CITY MARSHAL.

Marshal to be
chief of police.

SEC. 17. The marshal shall be the chief of the police of the city and all policemen shall be under his direct supervision and subject to his orders. As police officer, he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city are promptly enforced. To this end, it shall be the duty of the marshal, in

To enforce
ordinances, etc.

all cases where a violation of this act, or of any ordinance or regulation shall come to his notice, without further order or direction, to take proper proceedings against the offender for such violations, and to make proper complaint to any justice of the peace of said city therefor, or procure the same to be done. As peace officer he shall be vested with all the powers conferred upon sheriffs for preservation of quiet and good order. He shall serve and execute all process directed or delivered to him, except as otherwise provided in this act, and such process may be served anywhere within the State.

To serve and execute process.

SEC. 18. He shall suppress all riots, disturbances, and breaches of the peace and for that purpose may command the aid of the citizens in the performance of such duties. It shall be his duty to arrest all disorderly persons in the corporation. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the law of the State or the ordinances of the city amounting to a breach of the peace, and forthwith take such person before the proper court for examination or trial.

To suppress riots, make arrests, etc.

SEC. 19. The marshal shall report in writing and on oath to the common council at its first meeting in each month all arrests made by him and the cause thereof, and all persons discharged from arrests during the month; also, the number remaining in confinement for breaches of the ordinances of the city, and the amount of all fines and fees collected by him. All moneys collected or received by the marshal, and belonging to the city, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the clerk.

To report to council arrests made, etc.

To pay money into treasury.

SEC. 20. The marshal shall not hold any other office under the provisions of this act or any county office either elective or appointive.

Marshal to hold no other office.

CITY ATTORNEY.

SEC. 21. The city attorney shall be an attorney and counselor at law in good standing and admitted to practice in all the courts of this State. He shall, on application of the common council, or of any officer of the city, furnish advice relative to all matters of law in the discharge of their duties, [appear] in behalf of the city and of all public boards in all suits for or against them, prosecute all offenses against the ordinances of the city and perform such other legal duties as may be prescribed by ordinance or by direction of the common council.

Qualifications and duties.

CITY TREASURER.

SEC. 22. The city treasurer shall be treasurer of the city and shall have the custody of all money and funds belonging to it; he shall perform all the duties required of him by law

Duties of.

and by local act number three hundred fifty-five, of the local acts of the State for the year eighteen hundred ninety-five, approved March twenty-ninth, eighteen hundred ninety-five, and such other duties as may be legally required of him by ordinance or resolution of the common council.

CITY ENGINEER.

Duties of.

SEC. 23. The city engineer shall have and exercise in the city the like powers and duties as are conferred by law upon county surveyors, and the like effect and validity shall be given to his official acts, surveys and plats as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications required by the council relating to public improvements, buildings, grounds, sewers and streets of the city and all such plats, maps, surveys, diagrams and estimates, plans and specifications so made by him as city engineer shall be the property of the city, and shall be filed by him in the office of the city clerk.

Plats, maps,
etc.

STREET COMMISSIONER.

Duties of.

SEC. 24. It shall be the duty of the street commissioner to perform or cause to be performed, all such labor, repairs and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and parks within the city as the council shall direct to be done by or under his supervision and to oversee and do whatever may be required of him in relation thereto by the council.

To make
monthly report.

SEC. 25. He shall make a report in writing and under oath, once in each month, giving an exact statement of all labor performed by employes of the city under his supervision, and the charges therefor, the amount of material used and the expenses thereof, and the street or place where such material was used or labor performed and file the same with the city clerk to be by him certified and presented to the common council for its disposal.

Noxious weeds.

SEC. 26. He shall perform the same duties, in regard to the destruction of noxious weeds, within the limits of the city, as are required of overseers of highways in townships, under section fourteen hundred nineteen of Howell's annotated statutes and shall also have and perform the same powers and duties in regard to the destruction of Canada thistles within the limits of the city, as are required of overseers of highways in townships, under chapter sixty-seven of Howell's annotated statutes. He shall make the reports therein required to the common council of the city and all the powers in said chapter conferred upon the township board and officers shall be conferred upon the common council and like officers of the city.

Canada
thistles.

CONSTABLES.

SEC. 27. The constables of the city shall have like powers and authority in matters of civil and criminal nature, and in relation to the service of all manner of criminal process, as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of the ordinances of the city.

Powers and
duties of.

SEC. 28. The constables of the city shall obey all lawful orders of the mayor, common council and any justice of the peace, exercising jurisdiction in causes for breaches of the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution or regulation of the council, and for any neglect or refusal to perform any such duty required of him, every constable shall be subject to a penalty of not less than five nor more than fifty dollars.

To obey orders
of mayor, etc.

SUPERVISORS.

SEC. 29. The supervisor of each ward shall have and exercise, within his respective ward, all powers, authority and functions of supervisors of townships as now provided, or may hereafter be provided by law, except as assessor, and except as herein otherwise provided, and shall be a member of the board of supervisors of the county of Gogebic, and as such shall be entitled to the same compensation, and be paid in the same manner as supervisors in townships and shall perform such other duties as by this act shall be required of him; provided that in case any such supervisor shall be temporarily absent from the city, or from sickness or other cause shall be unable to act as such supervisor on said board of supervisors the alderman of his ward, having the shortest time to serve, shall during the time of such absence, sickness or disability, act as supervisor of his ward, and for the time being possess all the powers and discharge the same duties as the supervisor of the ward, and in case said alderman is disqualified or unable to act the other alderman of the ward shall act in his place and in case said supervisor and both said aldermen are disqualified and unable to act, the common council shall appoint some particular person to act as supervisor until such disability ceases.

Duties of.

When alder-
men² to act
for.

CHIEF OF FIRE DEPARTMENT.

SEC. 30. The chief of the fire department shall give his whole time and attention to the duties of his office; he shall have full charge under the orders of the mayor and common council, of the fire department of the city and he shall be responsible for the proper care and safe keeping of all fire apparatus and property in connection with his office and see

Duties of.

that the same is kept in good repair; all firemen either regular or volunteers shall be under his direct orders; he shall act as fire warden of the city and perform all the duties usually devolving upon said officer; he shall see that the fire alarm system of the city is at all times kept in good working order and that the hydrants now and hereafter in use in the city shall be kept ready for instant use, and any defect in the same shall be immediately reported by him to the common council; he shall not leave the corporate limits of the city exceeding twelve hours at any one time without the written permit of the mayor and should he do so it will be sufficient cause for removal; during the absence of the chief at any time the mayor shall appoint some suitable person as temporary chief and his compensation during the time he shall serve shall be paid by the chief unless otherwise provided by the council; the chief shall also perform such other duties as the common council may from time to time legally require.

Council may
prescribe
additional
powers and
liabilities.

SEC. 31. In addition to the rights, powers and duties and liabilities of officers prescribed in this act, all officers whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with this act, as the council shall deem expedient, and prescribe by ordinance or resolution.

CHAPTER VIII.

COMMON COUNCIL—WHO SHALL CONSTITUTE—POWERS, DUTIES, PROCEEDINGS, ETC.

Who to con-
stitute.

SECTION 1. The mayor and aldermen of the city, when assembled together and organized, shall constitute the common council of the city, and a majority of the aldermen elect shall be necessary to constitute a quorum for the transaction of business, but a less number may adjourn from time to time until a quorum is secured.

First meeting.

SEC. 2. The common council elect shall hold its first meeting, after the annual election in each year, on the third Tuesday in April.

President
pro tempore.

SEC. 3. At the first meeting of the common council, after the annual election each year, they shall elect from their number one to be president *pro tempore* of the council, who shall possess the same powers as, and perform and discharge the municipal duties of, the mayor, during his absence or inability and upon his death, resignation or removal, but in case of the absence or sickness of the mayor the same must have continued at least two weeks before said president *pro tempore* can exercise such powers, unless by consent in writing, of the mayor, and such written consent must be given to the clerk and permanently filed in his office.

SEC. 4. The council shall hold regular sessions at such times and places as they shall by ordinance or resolution direct, and may adjourn regular sessions from time to time as may be deemed expedient; they may provide by rule for holding special sessions and the manner in which the same shall be called and may adjourn the same in the same manner as regular sessions are adjourned and the mayor is empowered to call special meetings, to be held in the regular meeting place of the common council, at such times as he may think that the interests of the city require the same and the city clerk shall notify each alderman of each such special meeting and state in the notice the object or objects for which it is called; they may impose and collect such fines as they may deem proper, for the non-attendance of any alderman or officer of the city when notified to be present at any meeting, but said fines shall not exceed five dollars for any one offense. In the absence of the mayor and president *pro tempore*, or of the city clerk, from any meeting, the aldermen present shall have power to appoint from their number a president or a clerk *pro tempore*. All sessions of the common council shall be open to the public.

To hold regular meetings.

May adjourn.

Special meetings.

Fines for non-attendance.

May appoint president or clerk pro tempore.

SEC. 5. Each alderman shall have one vote on all questions that may come before the common council except that no alderman shall vote on any question in which he has a personal or pecuniary interest but on all other questions he shall vote, when present unless excused by a majority vote of the council. Neither the mayor, president *pro tempore* nor any alderman shall preside at any meeting of the council during the consideration of any question in which he may have a personal or pecuniary interest, but shall call upon some disinterested alderman to preside during the time any such question shall be under consideration; neither shall the mayor or acting mayor have the right to veto any ordinance, resolution or action of the council in which he shall have a personal or pecuniary interest and any act of the council done in violation of this section shall be null and void.

Aldermen to have vote. When not to vote.

Must vote when.

When mayor not to preside.

Cannot veto when.

SEC. 6. The common council may prescribe rules and by-laws, not inconsistent with this act, for the transaction of its business and proceedings and may prescribe in said rules and by-laws, penalties for the non-performance of duties by aldermen and city clerk or other officers of the city. No money shall be appropriated by the council except by resolution or ordinance and only upon a yea and nay vote. It shall be unlawful for the common council to vote any money, from any fund, for any purpose, when any such fund shall be thereby overdrawn and it shall be the duty of the city clerk to refuse to draw a city warrant or order when it would overdraw any fund. Whenever required by any alderman the votes of all members of the council in relation to any act, proceeding or proposition before the council, shall be entered by yeas and

Rules and by-laws.

Penalties.

Money appropriated only by yea and nay vote. Fund overdrawn.

Yea and nay vote may be demanded.

Records to be
prima facie
evidence.

May enact
ordinances.

nays in the minutes. All records of the city shall be *prima facie* evidence of the truth of the facts therein recorded.

SEC. 7. Whenever by this act or any other provision of law any power or authority is vested in, or duly imposed upon, the corporation or common council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty, when not otherwise provided in this act or the laws of the State.

Standing com-
mittees.

SEC. 8. The council may provide for the appointment and fix the duties of standing committees of its members, who shall be appointed by the mayor subject to the approval of the council.

Investigations
and powers
thereunder.

SEC. 9. To enable the common council or any of its committees to investigate charges against any officer, or such other matters as they may deem proper to investigate, or to perform any other legal duty, the mayor or any justice of the peace of the city, is empowered at the request of the council, or any of said committees, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers, and the presiding officer of the council or committee when necessary may administer oaths.

Subpoenas.

Oaths.

Not to be
interested in
contract, etc.

SEC. 10. No member of the common council or any officer of the city shall be interested, directly or indirectly, in the profits of any contract, job, work or service (other than official services) to be performed for the city, and any member of the council or officer of the city offending against the provisions of this section shall upon conviction thereof, be fined not less than one hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court before whom such conviction may be had, and said conviction shall vacate his office.

Fines.

Penalty.

Removal of
appointive
officers.

SEC. 11. Any person appointed to office by authority of this act, may be removed therefrom by a vote of two-thirds of the aldermen elect; and the council may remove from office any alderman by a concurring vote of two-thirds of all the aldermen elect. In the case of elective officers other than aldermen and justices of the peace, provision shall be made, by ordinance, for preferring charges against such officers and trying the same; and no removal of an elective officer, other than an alderman, shall be made except by a two-thirds vote of all the aldermen elect and unless a charge in writing is preferred and an opportunity given to make a defense thereto. Whenever the council shall remove any officer whose appointment is made by the mayor it shall be the duty of the mayor to immediately recommend some other eligible person to fill the vacancy.

Manner of
preferring
charges against
officers.

May levy
taxes.

SEC. 12. The common council shall have full power and authority to assess, levy and collect, from year to year, such amount of taxes upon all the real and personal property, not

exempt from taxation, within the limits of the city, as they may deem necessary to defray the expenses, provide for the payment of the debt of the city and to carry into effect the powers in this act granted but not to exceed one and one-half per cent of the assessed valuation in any one year for all purposes and to apportion the same into proper and requisite funds; to appropriate money, provide for the payment of the debt and expenses of the city and make regulations concerning the same.

SEC. 13. The common council shall audit and allow all accounts chargeable against the city, but no account or claim or contract shall be received for audit or allowance unless it shall be accompanied with affidavit of the person rendering it, or his or her lawfully authorized agent, to the effect that affiant verily believes that the services or property therein charged for have been actually performed or delivered to the city; that the sums charged therefor are reasonable and just and to the best of his knowledge and belief no setoff exists or payments have been made on account therefor except such as are indorsed or referred to in such account or claim; and further, such account shall exhibit in detail all the items making up the account claimed and the true date of each. It shall be sufficient defense in any court to any action or proceeding for the collection of any demand or claim against the city of any description whatever, that it never has been presented as aforesaid to the council for allowance, or that the claim was presented without the affidavit aforesaid and rejected for that reason, or that the action or proceeding was brought before the common council had a reasonable time to investigate and pass upon it. And all claims for damages against the city growing out of the negligence or default of said city, or of any officer or employé thereof, shall be presented to the common council of said city in the manner above provided within six months after such claim shall arise and in default thereof all action on such claim shall thereafter be forever barred. And in any action in any court, on any such claim, the complainant shall be required to show that such claim has been duly presented in the manner in this section specified, to the common council of said city for audit, investigation and allowance.

SEC. 14. The common council shall have the power to remit taxes or any special assessment in said city on account of the inability of the person liable for said taxes or assessment to pay the same by reason of poverty or misfortune.

SEC. 15. On the second Tuesday in the month of March in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city, or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding fiscal year, in which statement shall be clearly and dis-

Rate of taxation.

To audit accounts, etc.

Affidavit.

Defense to same.

Certain claims to be presented within six months.

Council may remit taxes.

Council to settle accounts of treasurer.

Yearly statement.

tinctly specified the several items of expenditure made by the common council, the object and purpose for which the same were made, and the amount of money expended for each; the amount of taxes raised for the general contingent expenses; the amount raised for lighting and policing the city; the amount of highway taxes and assessments; and amount of assessments for opening, paving, planking, repairing and altering streets, and building and repairing bridges; the amount borrowed on the credit of the city and the terms on which the same were obtained, and such other information as shall be necessary to a full understanding of the financial condition of the city. The clerk shall cause the same to be published in at least two of the newspapers of the city, printed in English.

Publication of same.

City may hold real and personal estate for parks, etc.

SEC. 16. The city of Ironwood shall have power to take, accept or hold any real or personal estate, whether by gift or bequest or devise, for any purpose connected with the parks, cemeteries or public grounds of the city, or for any public institution or charity; and when accepted it shall be the duty of the common council to use and appropriate the same for the uses and purposes mentioned in the instrument giving, granting or devising the same, and for no other purpose.

To have control over highways, etc.

SEC. 17. The common council shall have general supervision and full control over all public highways, bridges, streets, avenues, alleys, sidewalks and public parks and grounds and all sewers, sinks, drains, wells, pumps, reservoirs and water courses and may create, alter, close or abolish them and establish and change their grade as the public necessity may require and may enact such ordinances as may be necessary for the protection, control or use of them. The council may ascertain, establish and settle boundaries of all streets and alleys in the city and provide by ordinance to prevent and remove all encroachments thereupon.

To settle boundaries, etc.

Council may name streets.

SEC. 18. The common council shall have the right to fix the name of streets and avenues of the city, and may alter the same, and may provide for a record thereof to be made and preserved in the office of the city clerk.

Survey of streets, etc.

SEC. 19. The common council shall have the right to order a survey to be made of the city, and all street alleys, lanes and public grounds therein, and to renumber the lots and blocks of the city, and to order the same to be re-platted, to re-name the additions and subdivisions, and may cause a map thereof to be made by some competent person, and may adopt said map, and when adopted, said map shall be filed in the office of the city clerk and a copy thereof be filed in the office of the register of deeds of Gogebic county. And upon the adoption of said map by the common council of the city it shall be the authentic and legal map of the city, and may be used by the assessor in making all assessments and shall be admitted in evidence in all courts without further proof than proof of its adoption by

Maps.

To file map.

Proof of map.

the common council, or of its filing, if it is the copy offered, in the office of said register of deeds.

SEC. 20. The common council may establish, construct and maintain sewers and drains wherever necessary within the city and of such dimensions and materials and under such regulations as they may deem proper; they may establish, open, widen, extend, straighten, alter, close, or vacate highways, streets, alleys, lanes, avenues and public grounds and spaces, and may construct, maintain and repair bridges, sidewalks and crosswalks, within the limits of the city, of such material and in such manner as they shall deem for the best interests of the city. The council shall have power to pay for all or a part of the expense of the public works and improvements above provided for out of the general fund of the city, or shall have power to pay for the same in full or in part by levying special assessments upon the property contiguous to any said improvements or that is directly benefited by the same and the council is hereby empowered to pass such ordinance or ordinances as may be necessary to legally provide for the assessment, levy and collection of special assessments for the said above mentioned purposes and is empowered hereby to assess, levy and collect any such special assessment as may be legally provided by and made in accordance with any such ordinance or ordinances.

Drains.

May establish highways, etc.

To pay for same.

Special assessments.

May provide for same by ordinance.

SEC. 21. The common council shall have power, for and in behalf of the city, to purchase and hold, convey and dispose of any personal property or any real estate or interest therein for public purposes; it may construct, purchase or lease such public buildings as may be required for the use of the city.

Purchase real estate or personal property.

SEC. 22. It shall be the duty of the common council to cause such of the streets and highways in said city as shall have been used for six years or more, as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described and recorded in the office of the clerk of said city, in a book to be known as the Book of Street Records, and shall cause the same to be platted on the official map of the city; and the recording of such highways, streets, lanes [or] and public grounds, so ascertained and described, or which shall hereafter be laid out and established by the common council and recorded in the book of street records in the office of the clerk, by order of the common council, shall be presumptive evidence of the existence of such highways, streets, lanes, alleys or public grounds therein described.

Highways in use six years to be recorded, etc.

SEC. 23. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets and avenues of the city, and for the protection thereof; and may light the streets and public places, and regulate the setting of lamps and lamp posts therein, and protect the same.

Regulate the planting of shade trees.

Lamps.

Regulate
police.

SEC. 24. The common council may, by ordinance or resolution, make and establish rules and regulations for the government of the police of the city, prescribing and defining their powers and duties, when not inconsistent with this act or the laws of the State.

Eminent
domain.

SEC. 25. Private property may be appropriated for public use, in the city, for the purpose of opening, widening, altering and extending the streets, alleys and avenues, for the construction of bridges, for public buildings and for other public structures, for public grounds, parks, market places and spaces, for the improvement of water courses, for sewers, drains and ditches, for public hospitals, pest houses, quarantine grounds and public cemeteries, and for other lawful and necessary and public uses.

Proceedings
to be under
general law.

SEC. 26. If it shall become necessary to appropriate private property for the public uses or purposes specified in the preceding section, the right to occupy and hold the same, and the ownership therein and thereto, may be acquired by the city in the manner and with like effect as provided by the general laws of this State relating to the taking of private property for public use in cities and villages.

May purchase
and build water
works, etc.

SEC. 27. It shall be lawful for the common council, on behalf of the city, to build and construct or to purchase already built and constructed, suitable water works and electric light plants, and all necessary appurtenances thereto, and to maintain, operate and extend the same, within the corporate limits of the city, for the purpose of supplying the city and its inhabitants with water and light for public and private use and consumption. The common council is empowered to purchase any such water works or electric light plant subject to any valid and legal mortgage or lien existing against the same: *Provided*, That any such mortgage or lien must be taken and construed as consideration for said purchase. It is expressly provided, however, that no such water works or electric light plant shall be built or purchased or any interest in the same, until the question of such construction or purchase shall, by resolution of the council, have been submitted to the qualified electors of the city at some annual, or special election, called for that purpose, and such question shall be so submitted in the same manner, as near as may be, as the question of granting franchises is submitted, as elsewhere in this act provided.

May issue
bonds of the
city.

SEC. 28. To enable the common council to more fully and effectually carry out and perform the powers conferred upon them by the preceding section, they may issue the bonds of the city and may use such bonds or the proceeds realized from their sale, for the construction or purchase of any water works or electric light plant, as in their discretion they may deem for the best interests of the city, but the rate of interest of any such bond shall not exceed six per cent per annum and such bonds shall not be sold for less than their par value and the

proceeds therefrom shall not be used for any other purpose than that for which said bonds were issued.

SEC. 29. Before any bond shall be issued in the manner and for the purpose or purposes above mentioned, the question of issuing said bonds shall be submitted to the qualified voters of the city in the same manner as the question of the purchase of any water works or electric light plant is submitted: *Provided*, That both such questions may be submitted at the same election but must be voted upon separately.

Question of bonding to be submitted to electors.

SEC. 30. No money shall be raised and no bonds issued for the purposes provided in the three preceding sections in an amount exceeding three per cent of the total valuation of the taxable property of the city of Ironwood as equalized by the board of supervisors of Gogebic county in the year eighteen hundred ninety-six, and not to exceed two per cent of said three per cent shall be used for the purchase or construction of water works and not to exceed one per cent for the purchase or construction of an electric light plant.

Bonds not to exceed two per cent.

SEC. 31. Whenever the common council shall, under the authority granted by this act, build and construct or purchase any water works or electric light plant, they shall provide by ordinance for the management and control of the same and the employment of competent persons for that purpose; they shall fix the charges for the use and consumption of water and light and may change the same as they deem necessary and may pass ordinances and make all rules and regulations required for the control, management and protection of the same.

To provide for management of same, etc.

SEC. 32. The common council shall have authority, whenever they believe that the interests of the city would be better subserved thereby, by ordinance, to create public boards to have charge of the public improvements and for the management and control of the public grounds, parks, water works, electric light plants, buildings or any other public enterprises of the city and to fix the terms of office of the same, their compensation and manner of appointment.

May create public boards.

SEC. 33. When the council shall construct or purchase water works, they may be constructed, extended and maintained, when necessary, beyond the corporate limits of the city; and in such case the council shall have authority to enforce beyond the corporate limits of the city and within the county of Gogebic, and over the buildings, machinery and other property belonging to and connected with such water works, in the same manner and to the same extent as if they, or it, were within the city, all such ordinances and police regulations as may be necessary for the care, protection, preservation, management and control thereof.

May purchase and maintain beyond corporation limits.

SEC. 34. The council shall have power to provide, by resolution, passed by a two-thirds vote, at any time they shall deem it necessary or for the best interests of the city, for refunding

May issue refunding bonds.

Amount of.	and extending the time of payment of the then existing and legal debts of the city, and for that purpose may issue the bonds of the city. No such bonds shall be issued for a larger sum than the total of the actual face value or principal of said debts, together with the accrued interest thereon up to the time said bonds are issued. Such bonds shall be known and described upon their face as "Refunding Bonds of the City of Ironwood, Michigan."
How described.	
Bonds to pay judgments.	SEC. 35. Whenever any judgment or decree of any court shall be rendered or decreed against the city, and the city shall be unable to pay or satisfy such judgment or decree by reason of the limitations of its power of taxation, then and in such case it shall be lawful for the common council to issue the bonds of the city to an amount not exceeding the sum of such judgment or decree and the taxed costs arising in the procuring of such judgment or decree, together with the interest thereon, but any such bond if issued for the purpose of evading any of the requirements of this act except that limiting the power of taxation, shall be null and void. Such bonds shall be known and described as "Judgment Bonds of the City of Ironwood, Michigan."
Amount of.	
Provisions in regard to bonds.	SEC. 36. Every bond issued by the city in pursuance of the provisions of either of the two preceding sections and all other bonds of the city shall be made payable within thirty years and shall not bear interest at a rate to exceed six per cent per annum. No bond shall be sold or negotiated for less than its par value and each shall contain on its face a statement specifying the object for which it was issued. It shall be unlawful for any officer of the city to use any such bonds or the proceeds from the sale thereof, for any other purpose than that mentioned on the face of such bonds and any officer who shall violate the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail of Gogebic county for a period not exceeding one year or both in the discretion of the court.
How sold.	
How funds to be used.	
Misdemeanor.	
Penalty.	
Bonds to be numbered, etc.	SEC. 37. All bonds issued by the city shall be numbered in the order of issuance, shall be issued under the seal of the corporation and be signed by the mayor and countersigned by the city clerk.
Annual appropriations.	SEC. 38. The common council shall, on the second Tuesday in the month of May in each year, make estimates of all the expenditures which will be required to be made from the several funds of the city during the next fiscal year for all purposes for which any money will be required to be paid from any and all of the said funds during such fiscal year; and shall by resolution make provision for and appropriate the several amounts required to defray the expenses and liabilities of the corporation for the next fiscal year payable from the said funds and order the same or so much of such amount as may

be necessary, to be raised by tax with the next general tax levy and to be paid into the said funds of the city. The whole amount so ordered to be raised by taxation shall not exceed the limitations in this act provided. The council shall specify in such resolution the objects and purposes for which such appropriations are made and the amount appropriated for each object or purpose.

CHAPTER IX.

GENERAL POWERS OF CITY CORPORATION.

SECTION 1. The city incorporated under the provisions of this act, shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, namely:

SEC. 2. *First,* To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation and of its inhabitants, and of any association, public or private corporation or congregation therein, and to punish for injuries thereto or for unlawful interference therewith;

Second, To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards and persons found drunk in any of the public streets or places in the city, disorderly persons, and persons conducting themselves in a disorderly manner in any of the public streets or places in the city, and common prostitutes;

Third, To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue or remove the same;

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance and to punish the keepers thereof;

Fifth, To regulate or license the use of billiard tables, nine or ten-pin alleys or tables, and ball alleys;

Sixth, To prohibit and suppress every species of gambling and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

Seventh, To prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors to any drunkard

or intemperate person, minor or apprentice, and to punish any person so doing;

Sports, shows,
etc.

Eighth, To license, regulate, restrain or prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historic, literary, or scientific subjects excepted;

Violation of
Sabbath.

Ninth, To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose; and to require all places of business to be closed on the Sabbath day;

Auctioneers
and auction
sales.

Tenth, To license auctioneers, auctions and sales at auction; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public biddings or offers by the buyers or sellers after the manner of auction sales and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;

Hawkers, ped-
dlers, etc.

Eleventh, To license hawkers, peddlers and pawnbrokers, and hawking and peddling, and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device, in or upon the streets, highways, alleys, sidewalks, open places or spaces, public grounds or buildings in the city;

Encumbering
streets.

Twelfth, To prevent the encumbering of streets, sidewalks, cross walks, lanes, alleys, bridges, or other public places in any manner whatever;

Horse racing.

Thirteenth, To prevent and punish horse racing and immoderate driving or riding in any street or alley, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street or alley in said city;

Taverns,
saloons.

Fourteenth, To regulate and license all taverns and houses of public entertainment; all saloons, restaurants, and eating houses, and to regulate and prescribe the location of saloons; but this shall not be construed as authorizing the licensing of the sale of intoxicating liquors;

Vehicles, trans-
fers, etc.

Fifteenth, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire, in the city, and regulate or fix their stands on the streets and public places, railroad station grounds and other places;

Locomotives.

Sixteenth, To determine and designate the routes and grades on any railroad to be laid in said city, and to restrain and

regulate the use of locomotives, engines, cars upon the railroads within the city, and to compel the use of such precaution against accidents at the street crossings upon such railroads as they may deem necessary;

Seventeenth, To establish, order and regulate markets to regulate the vending of wood, hay, meat, vegetables, fruits, fish, and provisions of all kinds, and prescribe the time and place of selling the same; to prohibit the sale of unwholesome meats, poultry, fish, vegetables, or other articles of food or provisions, impure, spurious or adulterated wine, spirituous liquors or beer, or knowingly keeping or offering the same for sale: *Provided*, That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city; Markets.

Eighteenth, To provide for the inspection and sealing of weights and measures and to enforce the keeping of proper weights and measures by vendors; Weights and measures.

Nineteenth, To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters; Regulate vaults.

Twentieth, To prohibit and prevent in the streets, or elsewhere in the city, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind; To prohibit indecency and obscenity.

Twenty-first, To establish fire districts, within which no wooden buildings shall be moved, built, repaired, enlarged, placed or allowed to stand or remain, and prescribe penalties for moving, building, repairing or enlarging therein; Fire districts.

Twenty-second, To provide for clearing the rivers, ponds, canals and streams of the city, and the races connected therewith, of all driftwood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive; to provide and preserve the purity and salubrity of public waters of the city; to prohibit and prevent the depositing therein of all filth and other matter tending to render such water impure, unwholesome or offensive; Clearing rivers and streams.

Twenty-third, To compel the owner or occupant of any grocery, tannery, tallow chandler shop, soap or candy factory, butcher shop or stall, slaughter-house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of the city; To abate nuisances.

Twenty-fourth, To regulate the keeping, selling and using of dynamite, gunpowder, nitro-glycerine, dualine, giant-powder, firecrackers and fireworks, and other explosive or combustible materials, and the exhibition of fireworks, and the discharge Use of explosives.

of firearms, and to restrain the making or lighting of fires in the streets and other open spaces in the city;

Cellars, privies,
etc.

Twenty-fifth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies;

Pounds.

Twenty-sixth, To establish, maintain, and regulate one or more pounds in said city, provide for the appointment of pound-masters, prescribe their powers and duties and fix their compensation; to prohibit, restrain or regulate the running at large of horses, cattle, sheep, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred by the cost of keeping, impounding, and other expenses; to punish the breaking of any pound, or any unlawful interference therewith, and to make all such by-laws, ordinances, rules and regulations in relation to such pound or pounds, and the advertising and selling of the animals, geese or poultry therein impounded, as they may deem necessary, or as may be advisable for the purpose of perfecting the title to any property sold in conformity with any ordinance or by-laws, and preserving the evidence and declaring the legal effect of any and all evidence of any such sale or sales, and no court other than the circuit court for the county of Gogebic or the courts held in said city, shall have jurisdiction of any action against any pound-master of said city for or on account of any animal or animals, geese or poultry impounded, or for or on account of any act done by any such pound-master in pursuance of any power or duty conferred by any by-law or ordinance passed by the common council of said city;

Clearing of
sidewalks.

Twenty-seventh, To compel all persons in such part or parts of the city as the common council may deem proper, to keep sidewalks in front of premises owned or occupied by them clear from snow, ice, dirt, wood or obstructions;

Dead car-
casses.

Twenty-eighth, To prohibit any person from bringing or depositing, within the limits of said city, any dead carcass or other unwholesome or offensive substance, and to require the removal or destruction thereof, if any persons shall have on his or her premises any such carcass or substance, or any putrid meats, fish, hides or any skins of any kind; and on his or her default, to authorize the removal or destruction thereof by some officer of the city, and to provide for ascertaining the expense thereof, and collecting the same from the premises in default;

Lighting
streets.

Twenty-ninth, To provide for the lighting of the streets and alleys, and for the protection of public lamps and public property;

Dog licenses.

Thirtieth, To fix the rates and provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses; and to regulate and prevent the running at large of dogs, to require them to be muzzled and to authorize the kill-

ing of all dogs not licensed, or running at large in violation of any ordinance of the city;

Thirty-first, To prohibit and punish the use of toy pistols, sling shots and other dangerous toys or implements within the city;

Thirty-second, To require any horses, mules or other animals attached to any vehicle or standing in any of the streets, lanes or alleys in the city to be securely fastened, hitched, watched or held; and to regulate the placing and provide for the preservation of hitching posts;

Thirty-third, To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants to affix numbers on the same;

Thirty-fourth, To provide for, establish, regulate and preserve public fountains and reservoirs within the city, and such troughs and basins for watering animals as they may deem proper;

Thirty-fifth, To prevent or provide for the construction and operation of street railways and to regulate the same and to determine and designate the route and grade of any street railway to be laid or constructed in said city;

Thirty-sixth, To establish and maintain a public library, and to provide and maintain a suitable building therefor, and to aid in maintaining such other public libraries as may be established within the city by private beneficence as the council may deem to be for the public good;

Thirty-seventh, The council may also license transient traders, which shall be held to include all persons who may engage in the business of selling goods or merchandise after the commencement of the fiscal year, and the license fee in such cases may be apportioned with relation to the part of the fiscal year which has expired, but such traders, if they continue in the same business, shall not be required to take out a second license after the commencement of the next fiscal year: *Provided,* Such goods or merchandise have been assessed for taxes for said fiscal year.

Thirty-eighth, To regulate the putting up, taking down, repairing and maintaining of telegraph, telephone and electric light poles and wires and signs, signposts and awnings;

Thirty-ninth, The council shall have power to provide for and change the location and grade of street crossings of any railroad track; and to compel any railroad company or street railway company to raise or lower their railroad tracks to conform to street grades which may be established by the city from time to time; and to construct street crossings in such manner and with such protection to persons crossing thereat, as the council may require, and to keep them in repair; also to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to

Toy pistols.

Horses, etc., to be hitched.

Numbering buildings.

Fountains, reservoirs.

Street railways.

Public library.

License transient traders.

Poles and wires.

Change grade.

Protect crossings.

Regulate
speed.

light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains and street railway cars within the city; but such speed shall not be required to be less than six miles per hour, and to impose a fine of not less than five nor more than fifty dollars upon the company, and upon any engineer or conductor, violating any ordinance regulating the speed of trains;

Keep drains in
repair.

Fortieth, The council shall have power to require and compel any railroad company and any street railway company to make, keep open and in repair, such ditches, drains, sewers and culverts, along and under, or across their railway tracks, as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct, so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirement according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company, in a civil action, before any court having jurisdiction of the cause.

Cause work
to be done
at expense of
company.

CHAPTER X.

ORDINANCES AND FRANCHISES.

Style of
ordinances.
Ordinances to
be entitled.

SECTION 1. The style of all ordinances shall be, "The city of Ironwood ordains." All ordinances shall be entitled but no ordinance shall be held invalid because the title does not accurately or fully express the object or objects of such ordinance.

How passed.

All ordinances shall require, for their passage, the concurrence of a majority of all the aldermen elect, and each ordinance must be presented to the common council at a regular meeting and laid on the table until the next regular meeting when it may be acted upon, but no ordinance shall be passed without first having been read at length, immediately before it shall be voted upon. The time when any ordinance shall take effect shall be prescribed therein but shall not be for less than ten days from the day of its passage and such time when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

Time to take
effect.

To be recorded.

SEC. 2. All ordinances when approved by the mayor or when regularly enacted shall be immediately recorded by the clerk of the council, in a book to be called "The Record of Ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record. It shall not be necessary to record ordinances or franchises at length in the journal of the proceedings of the common council, but it shall be sufficient to state the title of each ordinance or franchise only.

SEC. 3. When any ordinance shall have been published, as in this act provided, the clerk shall immediately after such publication enter upon the record of ordinances in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made. Certificate of publication.

SEC. 4. When by the provisions of this act the common council has authority to pass an ordinance for any purpose, it may prescribe therein a fine or penalty not exceeding one hundred dollars, unless a greater penalty is herein authorized, or imprisonment not exceeding three months, or both, in the discretion of the court, together with the costs of prosecution for violation of such ordinance, and may provide that the offender on failing to pay such fine or penalty, and the costs of prosecution, may be imprisoned in the county jail of Gogebic county, or in the jail of said city of Ironwood, for a term not exceeding ninety days. Penalties.

SEC. 5. In all courts having authority to hear, try or determine any matter or cause arising under the ordinances of the city, and in all proceedings in the city relating to or arising under the ordinances or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of the said ordinances. And whenever it shall be necessary to prove any of the records, laws, regulations or ordinances of the city, or any resolution adopted by the common council thereof, the same may be read in all courts of justice, and in all proceedings: *First*, From a record thereof kept by the city clerk; *Second*, From a copy thereof, or of such record thereof, certified by the city clerk under the seal of the city; *Third*, From any volume of ordinances purporting to have been written or printed by authority of the council. Judicial notice of ordinances to be taken.

SEC. 6. No repealed ordinance shall be revived unless the whole or so much as is intended to be revived shall be re-enacted. When any section or part of a section of an ordinance is amended, the whole section, as amended shall be re-enacted. Laws, how proven.

SEC. 7. The common council shall have the power to grant franchises for the use of the streets and alleys in the city, for street railway purposes and for the establishment of electric light, telegraph and telephone lines, and to companies for the manufacture and distribution of gas for illuminating or other purposes, and for any other public purpose for the advancement of the interests and welfare of the city under such terms and regulations as it shall impose and as are prescribed by this act. But no franchise shall be granted for a longer period than twenty years. Repealed ordinances, how re-enacted.

SEC. 8. No franchise shall be granted to any person, partnership, company or corporation until the common council Council may grant franchise for certain purposes.

Franchise.

To be submitted to vote of electors.	shall by resolution have voted to submit the question of granting the same to the qualified electors of the city, for their approval either at the annual election in April or at a special election to be called for that purpose. At least ten days' notice of such submission shall be given immediately preceding any such election by posting copies of said notice in ten public places in each ward and by publishing the same in all the newspapers published in said city, and printed in English, at least two weeks in succession immediately preceding the day of election. Said notice shall specify the objects for which it is proposed to grant any such franchise. The votes for and against the granting of any such franchise shall be canvassed, declared and returned, and all things with reference thereto done in the same manner, as near as may be, as in the case of the election of city officers. At the close of any such election, the inspectors thereof in the several wards, shall make a certificate of the number of votes given for and against the granting of any such franchise and forthwith deposit the same with the city clerk, who shall immediately record the same in the book of ordinances, provided by this act to be kept. The clerk shall present such certificates to the common council, at its next regular meeting after such certificates have been filed. If a majority of the votes cast at such election shall have been in favor of granting such franchise the council shall so declare the result and take the necessary steps to put such franchise into operation. The terms and conditions of any such franchise shall be definitely fixed and settled before the election provided for in this act shall be called and a copy of the same shall be filed before that time, with the city clerk and subject to public inspection, and any alterations or amendments made to the same after it shall have been so filed, shall render it and the election and all proceedings provided by this section as necessary to legally pass the same, absolutely null and void. When any franchise shall have been legally and finally passed upon by the common council, it shall be immediately recorded by the city clerk in the book of ordinances and published in the same manner as ordinances are recorded and published. To amend a franchise, after being passed, it must be submitted in its amended form, to a vote of the electors in the same manner as above provided for its original submission and passage and subject to the same terms and conditions.
Posting and publishing.	
What notice to specify. Votes to be canvassed, etc.	
Certificate of votes.	
To be recorded.	
Clerk to notify council.	
Council to grant same.	
Terms of franchise not to be altered.	
Copy to be filed for inspection. How invalidated.	
To be recorded.	
What franchise to contain.	SEC. 9. No such franchise shall be passed by the common council or submitted to a vote of the electors unless there shall be expressly provided therein, that the city reserves the right to regulate the rates of tolls and charges authorized by it to be collected; that the person, company or corporation to whom the same is granted shall file or cause to be filed in the office of the city clerk, as soon as expedient after the granting of any such franchise and before any tolls or charges shall be col-
Tolls.	
Statement of amount expended.	

lected under it, a statement under oath of the actual disbursements made by them to enable them to begin operations under and by virtue of said franchise; that no mortgage or debt shall be created or bonds issued covering the property created by virtue of any such franchise, in a sum to exceed its actual sworn cost; that no franchise granted by virtue of this act shall be renewed or extended during the term of the original grant. Any violation of the above provisions of this section shall render any such franchise null and void and no longer binding upon the city.

Mortgage, etc.,
to be limited.

Not to be re-
newed, when.

When void.

Sec. 10. It shall be the duty of the common council before ordering the question of granting any franchise to be submitted to a vote of the electors of the city and before calling any special election for that purpose to require the person or persons, company or corporation, to whom the same is proposed to be granted, to deposit with the city treasurer a sufficient sum to defray all the expenses of any such special election, the cost of printing and publishing said franchise as required by this act, and all other costs in connection therewith, and the same shall be deducted from the sum so deposited and placed in the appropriate fund or funds and the residue, if any, returned to the persons depositing the same. When any such question shall be submitted to the electors at an annual election no charge shall be collected for the expenses of said election.

Expenses,
when to pay.

CHAPTER XI.

TAXATION—TAXES AND THE COLLECTION THEREOF.

SECTION 1. The assessor of the city shall make and complete the assessment of all the real and personal property in the city liable to be taxed, and within the same manner and within the same time, as near as may be, as is required by law for the assessment of property in the several townships of this State; and in doing so shall, in all respects, unless when otherwise in this act provided, conform to the provisions of law governing the actions of supervisors in the townships of this State in the assessment of property and the levying of taxes.

Duty of
assessor.

Sec. 2. On the second Monday in June and for so many days thereafter as may be necessary, in each year, it shall be the duty of the assessor and the aldermen of the city to meet at nine o'clock in the forenoon on each day, in the common council rooms. They shall select one of their number to act as chairman, and the said assessor and aldermen, or a majority of them, when assembled together as aforesaid, shall constitute a board of review and equalization for the purpose of reviewing and equalizing the assessment roll of the city, as

Board of
review.

To equalize
and review
assessor's roll.

Power to
examine under
oath.

Notice of
meeting.

Board to attach
certificate to
roll.

The members
may make
certificate.

Duty of asses-
sor relating to
roll.

presented to them by the assessor, and of correcting any and all errors which said board or a majority of them may discover in said roll and of exercising all the powers which the boards of review of townships are authorized to exercise at the time appointed by law for the review and equalization of their assessments; and any member of said board is hereby authorized to examine, on oath, any person who shall make any application to said board, and also to administer an oath to any such person who may be required to file any affidavit with them. Notice of the time and place of such meeting of the board of review and equalization shall be posted in at least three public places in each ward of the city for six days preceding the first day of said meeting and published at least twice in each of the English newspapers printed and published in the city.

SEC. 3. When the said board has reviewed, equalized and completed the assessment roll, it shall be their duty, or the duty of the majority of the members of said board to cause to be attached to said roll, signed by them, a certificate which may be in the following form:

"We do hereby certify that the above assessment roll contains a description of all the real estate in the city of Ironwood liable to be taxed, according to our best information, and that we have estimated the same at what we believe to be the true cash value thereof, and not at the price it would sell for at a forced auction sale; that the said assessment roll contains a true statement of the aggregate valuation of the taxable personal estate of each and every person named in said roll, and that we have estimated the same at its true cash value, according to our best information and belief."

SEC. 4. The members of said board may make such certificate from such knowledge as they may possess or can acquire while sitting on said board.

SEC. 5. When the assessment roll is thus completed it shall be retained by the assessor and by him presented at the annual meeting of the board of supervisors of the county of Gogebic, and at such other times as township assessment rolls are required to be produced at any meeting of said board of supervisors for equalization or for any other purpose prescribed by law; and said assessor shall be entitled to the same notice of such meetings of the board of supervisors for the equalization of township assessment rolls that the township supervisors are or may be entitled to, in like manner and with like effect as is or may be provided by law; and when so equalized it shall be returned to said assessor in the same manner that township assessment rolls are returned to supervisors, and the duty of said assessor in extending all the taxes that may be ordered assessed and extended on said roll, and in relation to all other matters in assessing and extending such tax roll, not inconsistent with the provisions of this act, shall be the same as

those of supervisors of townships. Said assessor shall have the right to debate on said board of supervisors in regard to the city's tax roll or assessment roll, but shall have no vote on said board of supervisors.

SEC. 6. The assessor shall complete the tax roll of the city in the manner required in the case of township tax rolls, and deliver the same with his warrant thereto attached, to the city treasurer within the time prescribed by law for the completion and delivery of the township tax rolls, to the respective township treasurers of this State, and the warrant of the assessor annexed to the roll of the city as aforesaid, shall have the same force and effect as the warrants of the supervisors of the several townships required by law to be annexed to the tax rolls of the several townships of this State: *Provided*, Security has been given by such city treasurer as required by law or in this act provided, but if such security shall not have been given by such city treasurer in the manner and in the time required, the common council shall immediately appoint some suitable person who shall give the required security to collect such tax roll, who shall be styled a collector, and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes and make return of his doings thereon in the same manner, and shall have all the power, and perform all the duties and be subject to the same liabilities and limitations in this act and by law conferred upon the city treasurer of the city for the purpose of the collection and return and paying over of said taxes.

Duties of
assessor.

CHAPTER XII.

COURTS OF JUSTICE—FINES, PENALTIES AND LEGAL PROCEEDINGS.

SECTION 1. The justices of the peace of the city shall be justices of the peace of the county of Gogebic and shall have, exercise and possess all the powers and jurisdiction now and hereafter conferred by law on justices of the peace in townships in relation to civil and criminal matters, causes, suits and proceedings.

Justices of
the peace.

SEC. 2. The justices of the peace of the city shall have original jurisdiction in all cases of offenses committed against any ordinance or by-law, rule or regulation of said city, and for offenses committed against any of the provisions of this act, except as herein provided to the contrary.

Jurisdiction of
justices.

SEC. 3. All proceedings before justices of the peace in said city for violations of any of the ordinances of the city, and for a violation of any of the provisions of this act, shall be by complaint and warrant, except as herein provided to the contrary. The following form of complaint shall be sufficient:

Complaint of
violation of
ordinance.

_____ being duly sworn, says that on the _____ day of _____, eighteen hundred _____, one _____ violated an

ordinance of the city of Ironwood, entitled (here insert the title of the ordinance), for that the said _____ did (here insert the facts going to show the violation of the ordinance).

All complaints must be signed and sworn to, the same as complaints in civil cases under the general laws of the State. Complaint for a violation of any of the provisions of this act may be in the same form, except that the number of the section and chapter of this act violated shall be stated, instead of the title of the ordinance, and the same complaint may include both a charge of violating any of the provisions of this act and of any ordinance passed pursuant to the provisions hereof.

Who may make complaint.

SEC. 4. Such complaint may be made by any member of the common council, the city attorney or marshal, policeman or constable, or by any other person having cognizance of the facts, or having good reason to believe that the offense complained of has been committed, and in all cases any person making such complaint shall deposit a sufficient sum of money, not to exceed five dollars, as security for costs in case the complaint is dismissed by the justice, except that the city attorney, marshal, policeman, mayor, constables, and members of the common council shall not be required to deposit any such security.

Security for costs.

Warrant.

SEC. 5. Upon such complaint being made it shall be the duty of the justice before whom the same is made to issue a warrant for the arrest of the person, or persons, charged with the offense, which warrant shall be substantially as follows:

To the marshal, policeman, or any constable of the city of Ironwood: You are hereby commanded in the name of the people of the State of Michigan, to arrest _____ and bring him forthwith before me, the undersigned, a justice of the peace of the city of Ironwood, to answer a complaint made by _____ for a violation of (here insert the title of the ordinance, or number of the section of this act, or both, as the case may be, that are claimed to be violated), the said _____ being charged in said complaint with having (here insert the facts substantially as stated in the complaint which tend to show a violation of the ordinance, or section aforesaid). You are also hereby commanded in the name of said people of the State of Michigan to summon _____ as witnesses on behalf of the city of Ironwood.

Given under my hand this _____ day of _____, eighteen hundred _____.

Justice of the Peace.

Duty of officer executing warrant.

SEC. 6. Such warrant may be executed by the marshal, or by any policeman or constable of the city and the officer executing the same shall have the same powers as the sheriff in executing criminal warrants against persons accused of crimes or misdemeanors, and he shall bring the person arrested before the justice who issued said warrant, or in case

such justice is absent from his office, or is unable to try the case, or has resigned, or is dead, then the officer making the arrest, or having charge of the person or persons arrested, may bring him or them before any other justice in the city. All persons shall be liable to arrest and imprisonment for violations of any ordinance of the city or any of the provisions of this act, in the same manner as such persons could be arrested and imprisoned if charged with a misdemeanor.

SEC. 7. Upon the person or persons arrested being brought before such justice, he or they shall plead to the complaint or in case of refusal to plead, the justice shall enter a plea of not guilty after the complaint is read, or if such complaint is not sufficient and does not set forth an offense against the ordinances of the city or provisions of this act, may move to quash such complaint. If such complaint is quashed, the defendant shall be discharged from custody. If such complaint is sufficient and the defendants deny their guilt they shall plead not guilty of such complaint, or the court shall enter a plea of not guilty in case the defendant shall refuse to plead, and thereupon such cause shall be deemed at issue between the city of Ironwood, complainant, and said defendant or defendants, and thereafter in said cause the same proceedings shall be had up to and including the rendition of a verdict or judgment as in civil cases before justices of the peace in townships, except as herein provided to the contrary, and except that if the city demand a jury no fees for such jurors shall be required to be deposited with the justice. Either party may demand a jury the same as in criminal cases. Such jury shall be selected in the same manner and the same number of challenges shall be allowed, as in criminal cases before justices, except that it shall not be a cause of challenge or excuse that any person summoned as a juror has been on the jury in said city or county during the preceding year, or that he is a member of any fire company. Justices in all such cases, shall have the same power to punish jurors or witnesses who refuse to serve or attend, and to punish for contempts that justices in townships have or may hereafter have in criminal cases.

Proceedings
before justice
upon such
complaint and
warrant.

SEC. 8 If any such cause commenced by warrant and complaint is adjourned on request of either party, the defendant shall, if required by the justice before whom he is brought, be compelled to enter into a bond or recognizance to the city of Ironwood in the sum of not less than fifty dollars nor more than five hundred dollars, in the discretion of the justice, condition to appear on the adjourned day before such justice or before such other justice as the case may be transferred to, and to abide the further orders of the court and not depart from the court without leave. Such bond or recognizance shall be valid until the final determination of the case. When the case is adjourned the defendant shall be committed to the city prison until the case is tried, unless he give bail as afore-

Proceedings
before justice
upon complaint
and warrant.

said, if required by such justice. And upon the conviction and sentence of the defendant, the marshal or any constable of the city present, when ordered by the justice, shall take such defendant into custody until the commitment is ready. If the defendant does not appear on any adjourned day or does not render himself into custody upon condition, the bond or recognizance shall be declared forfeited by said justice, who shall enter such a forfeiture on his docket, briefly reciting the facts, and thereupon the city attorney or authorized agent or attorney of the city shall commence an action of covenant, or other appropriate action, on said bond or recognizance on behalf of the city, in any court of competent jurisdiction of this State, where the sureties may be found. The common council shall have power to compromise with such sureties at any time before judgment.

The city to
have use of
county jail.

SEC. 9. The city shall be allowed the use of the common jail of the county of Gogebic for the imprisonment of all persons liable to imprisonment therein under the ordinances of the common council of the city or under any of the provisions of this act, or such persons may, at the option of the justice committing them, be imprisoned in the city prison and all persons committed to said county jail or city prison for the violation of any ordinance of the city, or for a violation of the provisions of this act, shall be in the custody of the keeper of the said common jail or the keeper of said prison as the case may be, during the term of said sentence.

To issue com-
mitment.

SEC. 10. The justice before whom any person is convicted shall render judgment against such person within the limits of the fines and penalties of the ordinance or provision of this act violated and shall issue his commitment against such person and shall also, on request of the city attorney, issue an execution against the goods and chattels of such person not exempt from execution, which execution shall be in the same form as in civil cases and shall recite the pecuniary penalty with costs also. Any officer herein mentioned, who neglects or refuses to execute any process under this chapter, shall be liable to the same penalties and damages which are incurred by sheriffs for neglecting or refusing to execute civil process.

When board of
supervisors to
pay costs, etc.

SEC. 11. The expense of apprehending, examining and committing offenders against any law of this State, in the city, or by any officer of the city, and of their confinement, except as otherwise provided herein, shall be audited and paid by the board of supervisors of the county of Gogebic in the same manner as if such expense had been incurred in a township of said county; and the board of supervisors of said county of Gogebic shall allow all legal charges against said county presented to said board by any justice of the peace or constable of the city.

Action of
assumpsit for
penalties.

SEC. 12. An action of debt or assumpsit may be brought by the city attorney or by any member of the common council, in the name of the city, for the recovery of any fine, penalty or

forfeiture incurred by the violation of any ordinance of the city or any of the provisions of this act, and the proceedings shall be commenced by summons before a justice of the city, which summons shall be returnable in not less than two days nor more than twelve days and shall be served at least one day before the return day thereof, and all subsequent proceedings in actions so commenced shall be the same as herein provided for in cases commenced by complaint.

SEC. 13. The right to appeal or take a *certiorari* to a circuit court from any justice of the peace of the city in all civil and criminal cases, is hereby given to all parties to the same extent and in the same manner and within the same time as is now or may hereafter be provided by law for appeals from justices of the peace in townships under the laws of this State. The city shall not be required to pay any costs or fees on appeal, nor be required to give any appeal bond but such appeal shall be considered as perfected when the city attorney, or other authorized attorney, on behalf of the city, files with the justice a notice briefly setting forth that the city feels aggrieved at the judgment rendered and appeals therefrom to the circuit court. Such notice shall be filed within twenty days after the rendition of such judgment and thereupon said cause shall be deemed to be in the circuit court and may be noticed for trial therein the same as civil causes. Appeal.

SEC. 14. The record of all proceedings and judgment aforesaid shall be kept and entered by said justice in his docket and all the laws of this State, now or hereafter existing in relation to the entry of judgments in civil causes by justices of the peace, shall apply to proceedings before justices in the city for a violation of any ordinance or of any of the provisions of this act. All judgments rendered by the justices under the provisions of this chapter may be proved in the same manner that is now, or may hereafter be, provided by law for proving the proceedings or judgments of justices in townships in civil cases. Record of proceedings to be kept by justices.

SEC. 15. All proceedings before said justices, or in any other court having jurisdiction under the provisions of this act, shall be construed liberally. Proceedings to be liberally construed.

SEC. 16. All commitments issued against any person sentenced for a violation of any ordinance or of any other provisions of this act shall be substantially as follows: Form of commitment.

To the marshal of the city of Ironwood and to the keeper of the county jail of Gogebic county: Whereas, _____ was convicted before, a justice of the peace of the city of Ironwood, on the _____ day of _____, eighteen hundred _____, of having violated an ordinance of said city entitled (here insert the title of the ordinance, or the number of the section and chapter of this act violated, or both, as the case may be), and,

Whereas, On such conviction I sentenced him (or them) to pay a fine of (here insert the fine, or fine and costs imposed, and the alternative imprisonment) and said fine and costs have not been paid; therefore in the name of the people of the State of Michigan, you are hereby commanded to take the said ——— and deliver him to the keeper of (the county jail of the county of Gogebic, or the city prison of the city of Ironwood) and you the said keeper, are hereby commanded in the name of the people of the State of Michigan, to safely keep said ——— in your custody for ——— days from the date of said conviction, unless he pays said fine and costs, or is otherwise discharged according to law.

Dated, Ironwood, Michigan, ———, eighteen hundred ———.

Justice of the Peace.

If any person so committed shall pay the fine and costs stated in said commitment to said keeper, together with the accrued costs of his board, said keeper shall discharge said person and forthwith pay over such fine and costs to the treasurer of the city. When any person is directed to be imprisoned in said city prison, the commitment shall be directed to the keeper of said city prison. The marshal, or any of the policemen of the city or any constable of the city shall have power to execute such commitment.

Inhabitants
of city not
incompetent
as jurors.

SEC. 17. In all suits in which the corporation of the city of Ironwood shall be a party or shall be interested, no inhabitant of the city shall be deemed incompetent as an officer, witness or juror on account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has in common with all the inhabitants of the city. The mode of procedure in this chapter contained shall be held and deemed to apply to violations of the ordinances of the city and the provisions of this act only.

Justice docket.

SEC. 18. Every justice of the peace shall enter in the docket kept by him the items of all costs taxed or allowed in any proceeding brought under this chapter and also the amounts and date of payment of all fines, penalties and forfeitures, moneys and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the justice at all reasonable times to the examination of any person desiring to examine the same and shall be produced by the justice to the council whenever required.

Fines to be
paid to city
treasurer.

SEC. 19. All fines, penalties and forfeitures collected or received by any justice of the peace for, or on account of violations of the penal laws of the State, and all fines, penalties and forfeitures and moneys collected or received by such justice, for or on account of violations of any ordinance, resolution or act of the city, shall be paid over by such justice to the city treasurer on or before the first day of the month next after the collection or receipt thereof, and said moneys shall be by him

credited to and placed in the appropriate fund; and the justice shall take the receipt of the city treasurer therefor and file the same with the city clerk. Receipt for to be filed with clerk.

SEC. 20. All justices shall report on oath to the treasurer at the time of making the payments, above provided for, the name of every person against whom a prosecution has been commenced, or judgment rendered for any of the fines, penalties or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution. Whenever fines or penalties imposed for the violation of any of the ordinances or resolutions of the common council or for violation of any of the provisions of this act, are collected or shall come into the custody of any magistrate, judge or other officer otherwise than is provided for in this chapter, the same shall be forthwith paid into the treasury of the city and a receipt taken from the treasurer therefor, and filed with the city clerk, by the officer, magistrate or judge making such payment. Report of justices.

CHAPTER XIII.

POLICE

SECTION 1. It shall be the duty of the new common council at its first regular meeting after each annual election, to provide by resolution for a police force and for the appointment by the mayor, by and with the consent of the common council, of such number of policemen as they may think necessary for the good government of the city and the protection of the persons and property of the inhabitants during the following year, and the number of said policemen so employed may be increased or diminished at the will of the common council. The mayor is hereby empowered, in case of emergency or necessity, to make temporary appointments of such number of special policemen as he may deem requisite to suppress riot or disturbances and to maintain peace and quiet within the city and it shall not be necessary to have said appointments confirmed by the common council. Said special policemen shall receive the same compensation as regular policemen, but said temporary appointments shall not continue for a longer period than five days. Council to provide for police force.

SEC. 2. The said policemen shall have the same powers of arrest and the enforcement of all ordinances of the city and laws of the State as are herein granted to the city marshal. Mayor may make temporary appointments.

SEC. 3. The marshal and policemen of the city shall receive no fees or perquisites for services in any action, cause or proceeding brought under or by virtue of any ordinance of the city or for any breach of the peace, and shall receive no other compensation from the city than may be allowed them under Compensation.

Not to serve
civil process.

this act by the common council. Said marshal and policemen are hereby expressly forbidden to serve any process or perform any services in any civil cause, proceeding or action or to receive any compensation for the same. Any violation of the provisions of this section will be sufficient cause for removal. Said marshal and policemen shall hold no other office, either elective or appointive.

To hold no
other office.

CHAPTER XIV.

CITY PRISON.

Council may
provide for
city prison.

SECTION 1. The common council of the city shall have power to provide and maintain a city prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those imprisoned therein.

Persons im-
prisoned may
be confined at
hard labor.

SEC. 2. All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines for violations of the ordinances of the city, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe.

Former
marshal
to deliver
property, etc.

SEC. 3. Whenever any newly appointed marshal shall have qualified and given the security required by the common council, or by any of the provisions of this act, the clerk shall grant a certificate under the official seal of the city, that the person so appointed has qualified and given security. Upon the service of such certificate upon the former marshal, or other person who may have the custody of the city prison, the powers of the latter, as such marshal or keeper, shall cease. Within twenty-four hours after the service of such certificate upon the former marshal or keeper he shall deliver to his successor:

First. Said city prison with all its appurtenances and the property of the city therein;

If former
marshal re-
fuses to deliver
papers, etc.

Second. All the prisoners then confined in such prison, together with all process, orders, rules, commitments, and all other papers and documents in his custody, authorizing or relating to the confinement of such prisoners. If any former marshal shall neglect or refuse to deliver to his successor the city prison, process, documents and prisoners in his charge, as herein required, such successor may, notwithstanding, take possession of said city prison, and command the aid of the constables and police of the city in aiding him to take possession of said city prison, and of the prisoners therein confined and may compel the delivery of such process and documents in the manner prescribed in chapter two hundred and ninety-five of Howell's annotated statutes.

SEC. 4. The city marshal shall, under the control and direction of the common council, be entitled to the custody of the city prison and shall be keeper thereof and have charge of all prisoners confined therein. Said prison shall be known as the city prison and it shall be lawful to confine therein persons charged with crime or offenses against the city ordinances while their examination and trial is pending. The keeper of said prison shall have all the power of the keeper of a common jail for the purpose of confining prisoners therein, or for detaining witnesses. All laws, rules and regulations which now, or hereafter may apply to common jails of counties shall apply to said prison, and if any person shall break, or unlawfully enter, or attempt to break or unlawfully enter said prison he shall be punished in the same manner as prescribed in the case of similar offenses against county jails, and whoever shall aid any person, lawfully confined therein, in escaping or attempting to escape therefrom, shall be punished in the same manner as in the case of aiding any person to escape, or attempting to escape from any county jail in this State.

Marshal to be
keeper of city
prison.

Powers of
keeper.

Laws, etc., to
apply to.

CHAPTER XV.

FIRE DEPARTMENT.

SECTION 1. The common council shall have power to enact such ordinances and establish and enforce such regulations as they may deem necessary to guard against the occurrence of fires, and to protect the property and persons of citizens against damages and accidents therefrom, and for this purpose to establish and organize a fire department; to organize and maintain fire, hose and hook and ladder companies; to employ and appoint firemen, to make and establish rules and regulations for the government of the fire department, the employes and firemen, and officers thereof, and for the care and management of the engines, apparatus, property and buildings pertaining to the department, and prescribe the powers and duties of such employes, firemen and officers.

To pass ordi-
nances, etc.,
guarding
against fire.

SEC. 2. The common council shall also have such further powers and duties in relation to the fires, and to the prevention thereof, and to the fire department of the city, not inconsistent with this act, as is conferred by the provisions of chapter twenty-nine of act two hundred fifteen, of the public acts of eighteen hundred ninety-five.

Powers con-
ferred by gen-
eral law.

CHAPTER XVI.

PUBLIC HEALTH.

Council to
preserve and
protect.

SECTION 1 The common council shall have power and it shall be their duty, to adopt measures for the preservation of the public health of the city, and to restrain or prohibit the exercise of any unwholesome avocation within the limits of the city. The common council shall be the board of health of the city, and shall have all the power now or hereafter conferred on township boards of health, in addition to the powers herein granted, and shall take measures to secure the inhabitants of said city from contagious, malignant and infectious diseases; and they shall have authority to make all such ordinances, by-laws and regulations for the preservation of the health of the inhabitants of the city, as shall secure a prompt and efficient discharge of the duties imposed upon the common council by this act; but acting as a board of health they shall still be known as the common council and not as the board of health.

Appointment
of health
officer.

SEC. 2. The mayor shall as heretofore provided, appoint a competent physician duly authorized to practice under the laws of the State to be health officer of the city.

To have powers
under general
law.

SEC. 3. The common council, as such board of health, and the health officer duly appointed by them, shall have all the powers and authority conferred upon townships, villages and cities by chapter thirty-nine of Howell's annotated statutes, subject to all acts and parts of acts contrary or amendatory thereto that are now or may hereafter be passed, when not inconsistent with the provisions of this act, and it shall be the duty of the common council and said health officer to see that all the powers and duties therein required to be performed are promptly done.

CHAPTER XVII.

CEMETERIES.

City may ac-
quire and hold
cemeteries.

SECTION 1. The city may acquire, hold and own such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare and suitable for the convenience of the inhabitants and may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may provide; and the council may cause any body buried within the city in violation of any rule or ordinance made in respect to such burials to be taken up and buried elsewhere.

SEC. 2. The council may, within the limitations of this charter, raise and appropriate such sums as may be necessary for the purchase of such cemetery grounds and the improvement, protection and care thereof.

May appropriate money for.

SEC. 3. The mayor shall appoint four of the members of the common council, to be known as the committee on cemeteries, who, with the city clerk, shall constitute a board of cemetery trustees. Two of the trustees so appointed shall be from among the aldermen whose terms of office soonest expire and they shall serve for one year; and two from those aldermen who have two years to serve, who shall serve for two years. Their terms of office shall date from the first Monday of May in the year when appointed and annually thereafter the mayor shall appoint two trustees from among the newly elected aldermen. Said appointment shall be made at the same time as the other annual appointments are made under the provisions of this act and shall be announced to the common council at the same time. The mayor may remove any trustee so appointed for inattention to his duties, want of proper judgment, skill, or taste for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation.

Cemetery trustees.

Terms of.

When and how appointed.

Removal of.

SEC. 4. The board of cemetery trustees shall appoint one of their number chairman, and the city clerk shall be clerk of the board, and the council may by ordinance, invest the board with such power and authority as may be necessary for the care, management and preservation of such cemetery grounds, the tombs and monuments therein, and the appurtenances thereof, and in addition to the duties herein mentioned the board shall perform such other duties as the council may prescribe.

Duties of trustees.

SEC. 5. Said board, subject to the direction and ordinances of the council, shall have the care and management of such cemetery or burial place, or places, and shall direct the improvements and embellishments of the grounds, cause such grounds to be laid out in lots, avenues and walks to be named, and plats thereof to be made and recorded in the office of the city clerk and to fix the price of lots and make the sales thereof. The conveyance of such lots shall be executed on behalf of the city by the clerk and be recorded in his office at the expense of the purchaser.

Trustees to have management.

Price of lots.

SEC. 6. Said board shall appoint the necessary superintendent and employes for the cemetery; expend the money provided for the care and improvement of the grounds enforce ordinances of the city made for the arrangement and care thereof; and make regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city, this act and the laws of the State.

Board to appoint superintendent, etc.

SEC. 7. All money raised for any public cemetery authorized by this act, and all moneys received from the sale of lots

Cemetery fund.

therein, or otherwise therefrom, shall be paid into the city treasury and constitute a fund to be denominated the cemetery fund. Said fund shall not be devoted or applied to any other purpose except the purpose of such cemeteries. The board of trustees shall report to the council annually on the second Tuesday in March, and oftener when the council shall require, the amount of all moneys received into and owing to the cemetery fund, and from what source and from whom; and the date, amount, items and purposes of all expenditures and liabilities incurred and to whom paid and to whom incurred, and such other matters as the council shall require to be reported, which report shall be verified by oath of the clerk of the board.

Ordinances
to protect
cemetery.

SEC. 8. The council may pass and enforce all ordinances necessary to carry into effect the provisions herein and to control or regulate such cemetery or burial place or places and the improvements thereof, and to protect the same and the appurtenances thereof from injury, and to punish all violations of any lawful orders or regulations made by the board of cemetery trustees.

To protect
cemeteries
of religious
societies, etc.

SEC. 9. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city belonging to or under the control of any church, religious society, corporation, company or association, and for the protection and preservation of the tombs, monuments and improvements thereof and the appurtenances thereto.

CHAPTER XVIII.

MISCELLANEOUS.

Fiscal year.

SECTION 1. The fiscal year of the city shall begin on the first day of March in each year and all annual reports required by this act to be made shall include all the transactions of the several departments of the city respectively up to and including the last day of February preceding.

Suit against
the city, when
commenced.

SEC. 2. No suit at law shall be commenced against the city except in a court of record; but the city shall have the right to bring or commence any suit in any court of the State having original jurisdiction of the subject matter.

Suits to be in
corporate name
of city.

SEC. 3. All suits by or against the city shall be in the corporate name thereof and all process or other papers in any such suit shall be served on the city by leaving a copy thereof with the mayor or city clerk: *Provided*, That after the city shall have appeared in any suit by attorney, all subsequent notices and papers required to be served therein shall be served upon such attorney as in other cases.

Service of
papers on.

Property not
exempt from
taxation.

SEC. 4. No property in the city, except that exempt under the general laws of the State, shall be in any manner exempted from taxation, and it shall be unlawful for the common coun-

cil to in any manner evade the provisions of this section except as provided for in section fourteen of chapter VIII.

SEC. 5. All books, records, documents, files, papers, plats, etc., of the city, shall be open to public inspection by the electors of the city at all reasonable hours and under such proper restrictions as the common council may impose.

Records, etc., open to public inspection.

SEC. 6. Whenever in this act the word council is used, it shall be deemed and construed to mean the common council of the city. The term city whenever used in this act shall be construed to mean the municipal or city corporation created under this act. Whenever it becomes necessary to give effect to any of the provisions of this act all courts shall hold the singular number to mean plural and the plural number to mean singular, and the words he, his, himself, shall be held to include she, her and herself whenever used in this act.

Words interpreted.

SEC. 7. No lands or premises shall hereafter be laid out, divided and platted into lots, streets and alleys, within the city, except by permission and approval of the council by resolution passed for that purpose; nor until the proprietor shall file with the clerk of the city a correct survey, plan and map of such grounds and the sub-divisions thereof, platted and subdivided as approved by the council, and made to their satisfaction; showing also the relative position and location of such lots and streets and alleys with respect to the adjacent lots and streets of the city; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in the office of the register of deeds of the county of Gogebic until a certificate has been endorsed thereon by the city clerk, under the seal of the city, showing that such plat and dedication has been approved by the council; nor shall the city by reason of such approval, be responsible for the improvement, care, and repairs of such streets and alleys excepting such as the council shall accept and confirm by ordinance or resolution as in this act provided.

Platting of lands.

Survey to be filed with the city clerk.

To be certified by city clerk before filing with register of deeds.

SEC. 8. When by the provisions of this act, notice of any matter or proceeding is required to be published or posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was inserted, or by some person in his employ knowing the facts, if such notice was required to be made by publication, or by the person posting the same, when required to be by posting, shall be *prima facie* evidence of the facts therein contained: *Provided*, The same shall be filed with the city clerk within six months from the date of the last publication thereof, or of posting the same.

Affidavit as to publication of notices.

To be filed with city clerk.

SEC. 9. The total indebtedness of the city for all purposes, either directly or indirectly, whether as bonds, mortgages, liens or evidences of debts of whatever kind or form, shall at no time exceed in amount the sum of five per cent of the total valuation of the city of Ironwood as equalized by the board of

Total indebtedness.

supervisors of Gogebic county in the year eighteen hundred ninety-six.

Terms of office
and salaries of
present officers
not to be
affected.

SEC. 10. The terms of office and salaries of all officers holding office under and by virtue of the former incorporation of the city of Ironwood, at the time this act goes into effect, shall not be affected by this act. Said officers shall, however, be subject to the provisions for removal from office and all other requirements and provisions herein contained and not in conflict with this section.

Acts not
affected by
this act.

SEC. 11. It is hereby expressly provided that act number two hundred and ninety-three and act number three hundred and fifty-five of the local acts of the year eighteen hundred and ninety-five are not to be in any manner affected by this act but are to remain and continue in full force and effect until otherwise amended or repealed.

Deemed a
public act.
Acts repealed.

SEC. 12. This act shall be deemed a public act and shall be favorably construed in all courts and places whatsoever. Act number three hundred and sixty-two of the local acts of the year eighteen hundred and eighty-nine, act number two hundred and twenty-five of the local acts of the year eighteen hundred and ninety-one and act number two hundred and thirty-five of the local acts of the year eighteen hundred and ninety-three, are hereby repealed.

This act is ordered to take immediate effect.

Approved March 8, 1897.

[No. 317.]

AN ACT to change the name of the township of Pine Plains in the county of Allegan to Valley township.

Pine Plains
changed to
Valley.

SECTION 1. *The People of the State of Michigan enact*, That the name of the township of Pine Plains in the county of Allegan, be and the same is hereby changed to Valley township.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 318.]

AN ACT to detach certain territory from the village of East Grand Rapids, in Kent county.

Territory de-
tached from
East Grand
Rapids.

SECTION 1. *The People of the State of Michigan enact*, That all of that portion of the south one-half of sections twenty-seven and twenty-eight, of township number seven north of

range number eleven west, lying northerly of the Cascade road otherwise known as the north branch of the Reed's Lake Avenue Company's toll road, be and the same hereby is detached from the village of East Grand Rapids.

Approved March 10, 1897.

[No. 319.]

AN ACT to authorize the boards of health of the townships of Bear Creek and Resort, in Emmet county, to convey certain real estate to the Greenwood Cemetery Board.

SECTION 1. *The People of the State of Michigan enact*, That the boards of health of the township of Bear Creek and the township of Resort, in Emmet county, are hereby authorized to convey to the Greenwood Cemetery Board the real estate described as follows: The north half of the southeast quarter of the southeast quarter of section one, in township thirty-four north of range six west; also, commencing at the southeast corner of the northeast quarter of the southeast quarter of section one, town and range aforesaid, thence west twelve and seven-tenths rods, thence north twelve and seven-tenths rods, thence east twelve and seven-tenths rods, thence south twelve and seven-tenths rods; the said real estate to be held and owned by said Greenwood Cemetery Board for the city of Petoskey and the townships of Bear Creek and Resort for public cemetery purposes.

Real estate
to be conveyed
to Greenwood
cemetery
board.

To be held
and owned
by whom.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 320.]

AN ACT to legalize the assessment and tax rolls of the city of Saginaw and the return of the delinquent taxes thereon to the county treasurer, for the years eighteen hundred and ninety-five and eighteen hundred and ninety-six.

SECTION 1. *The People of the State of Michigan enact*, That the assessment and tax rolls of the city of Saginaw, upon which the taxes in said city were extended and levied for the years eighteen hundred and ninety-five and eighteen hundred and ninety-six, and the return of the delinquent taxes thereon

Taxes declared
legal and valid.

to the county treasurer for each of said years be and the same are hereby legalized and declared legal and valid.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 321.]

AN ACT to amend and revise the charter of the city of Adrian.

Territory in-
corporated.

SECTION 1. *The People of the State of Michigan enact*, That so much of the former townships of Adrian and Madison in the county of Lenawee, as is embraced in the following description, to-wit: The south half of section thirty-four; the northeast quarter of section thirty-four, all of section thirty-five, and the west half of section thirty-six, in the said township of Adrian, and also the west half of section one, all of sections two and three, the north half of the northwest quarter of section twelve, the north half of the north half of section eleven, a strip of land thirty-three feet in width off the west side of the southwest quarter of the northeast quarter, and a strip of land nine hundred and thirty feet in width off the east side of the southeast quarter of the northwest quarter of section eleven, and the north half of the northeast quarter of section ten in the township of Madison, is hereby set off from said townships of Adrian and Madison, and constituted a body corporate, by the name and style of the city of Adrian, by which name it shall be hereafter known.

Corporate
name and
powers.

SEC. 2. The freemen of said city, from time to time, being inhabitants thereof, shall be and continue a body corporate and politic, to be known and distinguished by the corporate name and title of "The City of Adrian," and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of law and equity, and in all other places whatever; and shall have a common seal which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing and holding, conveying and disposing, of any real or personal estate for said city.

WARDS.

Wards.

SEC. 3. The city of Adrian shall be divided into five wards, as follows:

First ward.

All that part of said city embraced within the following described limits, shall be and constitute the first ward, to-wit:

Commencing at the intersection of the center line of Main street, with the center line of Maumee street, and running thence easterly along the center line of Maumee street to the intersection of said center line with the center line of Tecumseh street; thence southerly along the center line of Tecumseh street to the intersection of said center line with the center line of Michigan street; thence westerly along the center line of Michigan street to the intersection of said center line with the center line of Center street; thence southerly along the center line of Center street to the intersection of said center line with the center line of the public street or highway running southeasterly from Center street along the south side of property of the Lake Shore & Michigan Southern Railway Company, known as Treat road; thence southeasterly along the center line of said Treat road to the intersection of said center line with the center line of Tabor street; thence southerly along the center line of Tabor street to the intersection of said center line with the center line of Beecher street; thence westerly along the center line of Beecher street to the intersection of said center line with the east line of Division street; thence southerly along the east line of Division street to the boundary line of said city, running north and south on Division street; thence southerly along said boundary line on Division street to the south boundary line of said city; thence westerly along the south boundary line of said city to the intersection of said line with boundary line running north and south; thence northerly along said last mentioned boundary line to the intersection with boundary line running east and west; thence westerly along said last mentioned boundary line to the intersection of said line with the center line of Winter street; thence north along the center line of Winter street to the intersection of said line with the center line of South street; thence east along the center line of South street to the intersection of said center line with the center line of Dennis street; thence north along the center line of Dennis street to the intersection of said center line with the center line of Main street; thence northerly along the center line of Main street to the place of beginning.

All that part of said city embraced within the following described limits shall be and constitute the second ward, to-wit: Commencing at the intersection of the center line of Main street with the center line of Maumee street, and running thence easterly along the said center line of Maumee street to the intersection of said center line with the center line of Tecumseh street; thence northerly along the center line of Tecumseh street to the intersection of said center line with the center line of Toledo street; thence westerly along the center line of Toledo street to the intersection of said center line with the center line of Ormsby street; thence northerly along the center line of Ormsby street to the intersection of said

center line with the center line of North street; thence westerly along the center line of North street to the intersection of said center line with the center line of the public street or highway running northeasterly from said North street along the southeast side of Oakwood cemetery and intersecting the east boundary line of said city; thence northeasterly along the public street or highway last above described to the east boundary line of said city; thence northerly along the east boundary line of said city to the northeast corner of said city; thence westerly along the north boundary line of said city to the intersection of said north boundary line with the center line of the public highway constituting the extension of Main street; thence southwesterly along the said center line of said highway extension and said Main street to the place of beginning.

Third ward.

All that part of said city embraced within the following described limits shall be and constitute the third ward: Commencing at the southwest corner of the second ward as above described, and running thence westerly along the center line of Maumee street to the middle of the south branch of the River Raisin; thence southerly and upstream in the middle of the channel of said river to the intersection of the center line of said middle channel with the center line of the public street or highway constituting an extension of College avenue and running from the east end of College avenue northeasterly to Coit street, and intersecting at a point where said public street or highway crosses the River Raisin; thence westerly along the center line of said street or highway above described to the intersection of said center line with the center line of College avenue; thence westerly along the center line of College avenue to the intersection of said center line with the center line of Madison street; thence southerly along the center line of Madison street to the intersection of said center line with the center line of Michigan avenue; thence westerly along the center line of Michigan avenue to a point where said center line intersects the west boundary line of said city; thence northerly, thence westerly, thence northerly, following and along the western boundary line of said city to the northwest corner of said city on Railroad street; thence easterly along the boundary line of said city on Railroad street to the intersection of said line with the boundary line of said city running north on Wheeler street; thence north along the boundary line on Wheeler street to the north boundary line of said city; thence easterly along the north boundary line of said city to the northwest corner of the second ward as hereinbefore described; thence southwesterly along the west boundary line of said second ward as hereinbefore described, to the place of beginning.

Fourth ward.

All that part of said city lying within the following described limits shall constitute the fourth ward, to-wit: Com-

mencing at the southwest corner of the second ward as hereinbefore described, and running thence westerly following and along the south boundary line of the third ward as hereinbefore described, to the west boundary line of said city; thence southerly along the west boundary line of said city to the south boundary line of said city on Beecher street; thence easterly along the south boundary line of said city to the intersection with boundary line running north and south near Scott street; thence south along said boundary line, to the intersection of said boundary line with boundary line of said city running east and west; thence easterly along said last mentioned boundary line to the intersection of said boundary line with the center line of Winter street; thence north along the center line of Winter street to the intersection of said center line with the center line of South street; thence easterly along the center line of South street to the intersection of said center line with the center line of Dennis street; thence northerly along Dennis and Main streets following and along the western boundary line of the first ward as hereinbefore described, to the place of beginning.

All that part of said city lying within the following described limits shall be and constitute the fifth ward of said city, to-wit: Commencing at the intersection of Maumee and Tecumseh streets at the northeast corner of the first ward as hereinbefore described, and running thence southerly along Tecumseh, Michigan, Center, Treat road, Tabor, Beecher and Division streets, following and along the eastern boundary line of the first ward as hereinbefore described, to the south boundary line of said city; thence easterly along the south boundary line of said city to the southeast corner of said city; thence northerly along the east boundary line of said city to the intersection of said line with the eastern boundary line of the second ward as hereinbefore described; thence southerly along highway, North, Ormsby, Toledo and Tecumseh streets, following and along the eastern boundary line of the second ward as hereinbefore described, to the place of beginning.

SEC. 4. Whenever the council shall deem it expedient, they may, by ordinance enacted by a concurring vote of not less than two-thirds of the members of the council entitled to vote, re-district the city into wards; divide any ward or change the boundaries thereof; establish new wards, and increase the number of the wards of the city. The city council shall have power, by ordinance duly passed, to divide any ward which shall have polled more than five hundred votes at the last general election, into polling precincts, which precincts shall be as nearly equal as possible in population, and the city council shall have the power to provide for separate re-registration for each polling precinct when any such precinct shall be created, and the registration of electors and all elections shall be conducted in each precinct as nearly as possible as elec-

Fifth ward.

Duty of officers relative to the division of wards.

tions are conducted in the several wards, and no voter shall vote at other than the precinct in which he shall reside. The city council shall also provide registration books for any ward that shall be so divided, one for each precinct, and the board of registration shall be as now constituted, but each voter's name shall be registered in the book provided for the precinct in which he resides. The returns of election in precincts shall be made and canvassed in the same manner as in wards, and the word "precinct" in elections shall, to all intents and purposes, be synonymous with the word "ward." But no voter shall be deprived of the right to vote in the precinct where he resides on the day of election by reason of removal from another precinct of the same ward; but may register and vote provided he be otherwise a qualified voter.

Notice of
intention
to change
boundaries.

SEC. 5. Upon the introduction of such ordinance the council shall require of the city clerk to give notice thereof and of the change proposed thereby in any ward or wards, by publishing such notice in some newspaper published in the city, for three weeks before the council shall proceed to the passage of the ordinance.

Relative
to ward
boundaries.

SEC. 6. All wards which may be established by the council, and all changes in the existing wards, shall be bounded by streets, alleys, avenues, public grounds, streams of water, or corporation lines; and the wards, as established or changed, shall be composed of adjacent territory, and shall be as compact as may be; and in establishing, changing, or redistricting the wards, it shall be so done as to give the several wards as nearly an equal number of inhabitants as may be practicable.

When bound-
aries shall not
be changed.
Election in
new wards.

SEC. 7. No change in the boundary of any ward shall be made within twenty days next preceding an election therein. No election of alderman or ward officers shall be held in any newly established ward, or in any ward, on account of changes in the boundaries thereof previous to the next annual city election; nor shall the office of any alderman or other officer elected in any ward be vacated by reason of any change in such ward; but any such alderman and other officer shall, during the remainder of his term, continue in office and to represent the ward including the place of his residence at the time of the change of the boundaries of the ward, unless the office becomes vacant for some other cause.

First election
of aldermen in
new wards.

SEC. 8. When, by the erection of a new ward, two aldermen are to be elected therein at the same time, one of them shall be elected for one year, and one for two years, and the terms of each shall be designated on the ballots.

ELECTORS AND REGISTRATION.

Who deemed
electors

SEC. 9. The inhabitants of said city of Adrian having the qualifications of electors under the constitution of the State, and no others, shall be electors therein.

SEC. 10. Every elector shall vote in the ward where he shall have resided during the ten days next preceding the day of election. The residence of any elector, not being a householder, shall be deemed to be in the ward in which he boards or takes his regular meals.

Where entitled to vote.

SEC. 11. The aldermen of each ward shall constitute the board of registration therein, except as in this act otherwise provided. If by reason of a change of boundary of any ward, or the formation of a new ward, or any other cause, there shall not be any, or a sufficient number of aldermen representing such ward to constitute a board of registration of two persons, the council shall supply the vacancy or appoint a board of registration for the ward. The council shall at the request of any alderman, at a meeting prior to the day of registration appoint some voter of the ward as a member of the board of registration in place of such alderman, and in case an alderman cannot serve and no member in his place has been appointed by the council he may designate a voter of said ward to fill his place, and if he fail to do so, the other member of said board shall appoint some voter of the ward to act as a member of said board, such appointments to be in writing and filed with the city clerk; said appointees shall be sworn before entering upon their duties as members of the board of registration. No person shall be refused registration except by a decision of both members of the board respecting the same.

Board of registration.

Council may appoint voter as member of board of registration. In case council do not appoint such voter.

SEC. 12. When changes shall be made in any ward or wards or a new ward shall be formed in whole or in part from the territory of other wards, the boards of registration of the respective wards affected by the change, shall meet previous to the time prescribed by law for giving notice of their sessions preceding the next election, and the name of each registered elector known to have been transferred by such change from one ward to another ward, or to the new ward, shall be copied into the register of the ward to which the transfer was made, and be stricken from the register of the ward from which the elector was transferred by the change.

Registration in case of change of boundaries.

SEC. 13. When any new ward is formed, or any territory added to any existing ward, that was not prior to said change a part of said ward, the board of registration of said ward, at its session next preceding the next election therein, shall make or complete a new register of the electors residing therein, and for that purpose shall remain in session three days; and notice of the formation of such ward, and that a new register of the electors will be made at that session, shall be given with the notice required by law to be given of such session of the board.

Registration.

SEC. 14. The boards of registration in said city, at their sessions previous to the general election in November, in the year one thousand eight hundred and ninety-eight, shall make a re-registration of the qualified electors of their respective

Registration when.

New registry
to supersede.
etc.

Notice.

wards, in books of the form provided by law. The same rules shall be observed in such registration as are provided by law for the registration of electors in cities; and a like re-registration of the electors of each ward shall be made at the session of the board next preceding the general election in every fourth year thereafter. When such new registry shall be made the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such re-registration unless his name shall be registered in such new register. Notice that such re-registration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made.

OFFICERS.

Elective city
officers.

SEC. 15. The following city officers, viz.: a mayor, city marshal, city clerk, city treasurer, street commissioner, four justices of the peace, shall be elected by the qualified voters of the whole city.

Ward officers.

SEC. 16. In each ward a supervisor, two aldermen, and a constable shall be elected.

Appointed
officers.

SEC. 17. The following officers shall be appointed by the council, viz.: a city attorney, city surveyor, engineer of fire department. The council may also, from time to time, provide by ordinance for the appointment of, and appoint for such term as may be provided in the ordinance, such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.

Time of making
appointments.

SEC. 18. Appointments to office by the council, except appointments to fill vacancies, shall, unless otherwise provided, be made on the first Monday in May in each year; but appointments which for any cause shall not be made on that day may be made at any subsequent regular meeting of the council.

Terms of office
of certain
officers.

SEC. 19. The mayor, city marshal, city treasurer, street commissioner, supervisors, and constables shall hold their offices for the term of one year, and the city clerk for the term of two years, from the second Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their office. One justice of the peace shall be elected annually for the term of four years from the fourth day of July next after his election.

First election
of aldermen in
new wards.

SEC. 20. At the first election of aldermen in new wards, one alderman shall be elected in each ward for the term of one year, and one for the term of two years. The term of each shall be designated on the ballots cast for him. After the first election, one alderman shall be elected annually in each year for the term of two years from the second Monday in April in

the year when elected, and until his successor shall be qualified and enter upon the duties of his office.

SEC. 21. All other officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the first Monday in May next after such appointment, and until their successors are qualified and enter upon the duties of their office, unless a different term of office shall be provided in this act or by ordinance duly enacted.

Terms of other appointed officers, etc.

SEC. 22. Justices of the peace elected for the full term of four years shall enter upon the duties of their offices upon the fourth day of July next after the election. In all other cases officers shall enter upon the duties of their offices immediately upon taking the oath of office and giving the security (if any) required for the performance of the duties of the office.

When officers to enter upon their duties.

QUALIFICATIONS, OATH, BOND OF OFFICE.

SEC. 23. No person shall be elected or appointed to any office, except as provided in section ninety of this act, unless he be an elector of said city, and if elected or appointed for a ward he must be an elector thereof; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or any board of officers thereof, or to any school district, county, or other municipal corporation of the State. All votes for, or any appointments of, any such defaulter shall be void.

Who may not hold office.

SEC. 24. Justices of the peace elected in said city shall take and file an oath of office with the county clerk of the county of Lenawee within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers elected or appointed in the city, shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State, and file the same with the city clerk.

Oath of office of justice of the peace.

Of all other officers.

SEC. 25. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk, mentioned in the preceding section, the security for the performance of the duties of his office, required by law in the case of justices of the peace elected in townships; except that said official bond or security may be executed in presence of and be approved by the mayor; and in case he shall enter upon the execution of his office before having filed his official oath and bond for security, and such other bond or security to the city as may be required by law, or by any ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships, and every other officer elected or appointed in the city, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the city clerk

Bond of justice.

Penalty for neglect to file.

Oath and bond of other officers.

Bond of clerk. such a bond or security as may be required by law or by any ordinance or requirement of the council, and with such sureties as shall be approved by the council, for the due performance of the duties of his office, except that the bond or security of the clerk shall be deposited with the city treasurer.

Sufficiency of sureties. SEC. 26. The council, or the mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act, or by any ordinance or direction of the council, shall enquire into the sufficiency of such sureties, and examine them under oath as to their property; such oath may be administered by the mayor, or any alderman, or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing and be signed by him, and annexed to and filed with the bond or instrument to which it relates.

Examination to be reduced to writing and filed. SEC. 27. The council may also, at any time, require an officer, whether elected or appointed, to execute and file with the clerk of the city, new official bonds in the same or in such further sums, and with new or such further sureties as said council may deem requisite for the interest of the corporation. Any failure to comply with such requirements shall subject the officer to immediate removal by the council.

Power of council to require new bonds.

VACANCIES IN OFFICE.

Registration. SEC. 28. Resignation of officers shall be made to the council, subject to their approval and acceptance.

Offices, how vacated. SEC. 29. If any officer shall cease to be a resident of the city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter, the office shall thereby be vacated.

When declared vacant. SEC. 30. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond of security.

Vacancies, how filled. SEC. 31. A vacancy in the office of mayor or of any alderman occurring more than ninety days before an annual city election shall be filled by a special election. A vacancy in the office of any alderman occurring within ninety days before an annual election, and all vacancies in the office of justice of the peace shall be filled at the next annual election. Vacancies in any other office shall be filled by appointment by the council within twenty days after the vacancy occurs, or if the vacancy be in an elective office, it may be filled by an election or an appointment, in the discretion of the council.

SEC. 32. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them. Liability of officer and sureties.

SEC. 33. Whenever an officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys, and effects in his custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for a like offense under the general laws of this State now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State. Delivery of books, etc. Violation a misdemeanor.

ELECTIONS.

SEC. 34. An annual city election shall be held on the first Monday in April in each year, at such place in each of the several wards of the city as the council shall designate. Annual elections.

SEC. 35. Special elections may be appointed by resolution of the council, and be held in and for the city, or in and for any ward thereof, at such time and place, or places, as the council shall designate; the purpose and object of which shall be fully set forth in the resolution appointing such election. Special elections.

SEC. 36. Whenever a special election is to be held, the council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held, a notice signed by the city clerk, specifying the officer or officers to be chosen, and the question or proposition, if any, to be submitted to the vote of the electors, and the day and place at which such election is to be held, and the proceedings and manner of holding the election shall be the same as at the annual elections. Notice of special election.

SEC. 37. Notice of the time and place or places of holding any election, and of the officers to be elected and the questions to be voted upon shall, except as herein otherwise provided, be given by the city clerk at least eight days before such election by posting such notices in three public places in each ward in which the election is to be held, and by publishing a copy thereof in a newspaper published in the city, one time, at least eight days before the election; and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election. Time and manner of giving notice.

SEC. 38. The council shall provide and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships. Ballot boxes.

Opening and
closing of polls.

SEC. 39. On the day of elections, held by the virtue of this act the polls shall be opened in each ward at the several places designated by the council at eight o'clock in the morning and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed, provided that whenever the names of candidates for other than city and ward offices are to be voted upon, the time of opening and closing the polls shall be governed by the general election laws of the State. The inspectors shall cause proclamation to be made of the opening and closing of the polls.

Inspectors of
election.

SEC. 40. The supervisor and two aldermen of each ward shall, except as in this act otherwise provided, constitute the board of inspectors of election. If by reason of the formation of new wards, or by a change in the boundaries of existing wards, or by a division of a ward into election precincts, or for any reason there shall not be a sufficient number of the officers last named in any ward to make a board of three inspectors, it shall be the duty of the council to appoint a sufficient number of inspectors who, with the officers above named, if any, residing in the ward, shall constitute a board of three inspectors for the ward, and if at any election any of the inspectors above provided for shall not be present, or remain in attendance, the electors present may choose *viva voce* such number of such electors, as with the inspector or inspectors present shall constitute a board of three in number, and such electors so chosen shall be inspectors at that election.

Chairman and
clerks of board.

SEC. 41. The inspectors shall choose one of their number chairman of the board, and the others shall be clerks of election, or, when necessary, the board may appoint two other persons to be clerks of election, and the persons so appointed, and each person chosen or appointed as inspector of election, shall take the constitutional oath of office, which oath either of the inspectors may administer.

Oath of office.

Duties of
inspectors.

SEC. 42. The inspectors of election, as specified in the last two sections, shall be inspectors of State, county, and district elections in their respective wards.

Manner of
conducting
elections.

SEC. 43. All elections held under the provisions of this act, shall be conducted, as nearly as may be, in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such elections shall have the same powers and authority for the preservation of order and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this State.

Ballots to
contain what
names.

What ballots to
be deposited in
separate box.
Provide.

SEC. 44. The electors shall vote by ballot; and the same ballot shall contain the names of persons designated as officers for the city, and as officers for the wards. The ballots cast upon any question or proposition submitted to be voted upon shall be separate and deposited in a separate box: *Provided,*

That nothing in this act contained shall prevent the use at all charter and special elections of the "Abbott Voting Machine" or any other voting machine authorized by the general laws of the State.

SEC. 45. If at any election vacancies are to be supplied in any office, or if any person is to be elected for less than a full term of the office, the term for which any person is voted to fill, the same shall be designated on the ballot. Ballots for vacancies.

SEC. 46. It shall be the duty of the inspectors on receiving the vote, as specified in the last two sections, to cause the same, without being opened or inspected, to be deposited in the proper box provided for that purpose. The board shall also write or cause to be written, the name of each elector voting at such elections, in two poll lists, to be kept by said inspectors of elections, or under their direction. And such lists shall be so kept as to show the number and names of the electors voting upon any question or proposition, submitted to the vote of the electors. Depositing of ballots.
Poll lists.

SEC. 47. Immediately after closing the polls, the inspectors of election shall, without adjourning, publicly canvass the votes received by them, and declare the result; and shall, on the same day or on the next day, make a statement in writing, setting forth in words at full length the whole number of votes given for each office, the names of persons for whom such votes for each office were given, and the number of votes so given for each person; and the whole number of votes given upon each question voted upon, and the number of votes given for and against the same, which statement shall be certified under the hands of the inspectors to be correct; and they shall deposit such statement and certificate on the day of election or on the next day, together with said poll list and the register of electors and the boxes containing said ballots, in the office of the city clerk. Canvass of inspectors.
Statement and certificate.
Deposit of statement, etc.

SEC. 48. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this State, and the inspectors shall in all other respects, except as herein otherwise provided, conform as nearly as may be to the duties required of inspectors of election at such general election. Canvass, manner of conducting.

SEC. 49. The council shall convene on Thursday next succeeding each election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively; and, thereupon, the city clerk shall make duplicate certificates, under the corporate seal of the city, of such determination showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk, of the county of Lenawee, and the other shall be filed in the office of the city clerk. Council to determine results.
Certificates.

In case of tie.

SEC. 50. The person receiving the greatest number of votes for any office in the city or ward, shall be deemed to have been duly elected to such office; and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.

Notice to persons elected.

SEC. 51. It shall be the duty of the city clerk, within five days after the meeting and determination of the council, as provided in section forty-nine to notify each person elected, in writing, of his election; and he shall also, within five days after the council shall appoint any person to any office, in like manner notify such person of such appointment.

Neglect to file oath, etc.

SEC. 52. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed the city clerk shall report in writing to the council, the names of the persons elected or appointed to office who shall have neglected to file such oath and requisite bond or security for the performance of the duties of the office.

DUTIES AND COMPENSATION OF OFFICERS.

THE MAYOR.

Duties of mayor.

SEC. 53. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council, and shall from time to time give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws relating to the city, and the ordinances and regulations of the council are enforced.

Conservator of the peace.

SEC. 54. The mayor shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder; and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of ordinances of the council and to suppress riot and disorderly conduct.

Power to remove, etc.

SEC. 55. The mayor may remove any officer appointed by him at any time, and may suspend any policeman for neglect of duty. He shall have authority at all times to examine and inspect the books, records and papers of any agent, employé, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

President pro tem.

SEC. 56. In the absence or disability of the mayor, or of any vacancy in his office, the president *pro tempore* of the council shall perform the duties of the mayor.

ALDERMEN.

SEC. 57. The aldermen of the city shall be members of the council and attend the meetings thereof, and act upon committees when thereunto appointed by the mayor or council. As conservators of peace, they shall aid in maintaining quiet and good order in the city and in securing the faithful performance of duty by all officers of the city. No alderman shall be elected or appointed to any other office in the city during the term for which he was elected as alderman, nor appointed to any other city office within one year thereafter.

Aldermen.
powers and
duties of.

Not to hold
other office.

CITY CLERK.

SEC. 58. The city clerk shall keep the corporate seal and all the documents, official bonds, papers, files, and records of the city, not by this act or the ordinances of the city entrusted to some other officer; he shall be clerk of the council; shall attend its meetings, record all its proceedings, ordinances, and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify under the seal of the city, copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be. He shall possess and exercise the powers and duties of township clerk so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations.

Duties of city
clerk.

SEC. 59. The city clerk shall be the general accountant of the city; and all claims against the corporation shall be filed with him for adjustment; after examination thereof, he shall report the same with all accompanying vouchers and counter-claims of the city, and the true balance as found by him, to the council for allowance, and when allowed shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made and to take proper receipts therefor, but no warrant shall be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised, or appropriated, the clerk shall report the amount thereof to the city treasurer, stating the object and funds for which it is levied, raised, or appropriated, and the amount thereof to be credited to each fund.

Duties of clerk
relative to
claims against
city.

SEC. 60. The city clerk shall exercise a general supervision over all officers charged in any manner with the receipt, collection and disbursement of the city revenues, and over all the property and assets of the city; he shall have charge of all books, vouchers, and documents relating to the accounts, contracts, debts, and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts

Further duties.

and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the warrants drawn thereon, keeping a separate account with each fund; when any fund has been exhausted, the clerk shall immediately advise the council thereof.

Financial
report, etc.

SEC. 61. The city clerk shall report to the council whenever required, a detailed statement of the receipts, expenditures, and financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require.

Duties of city
treasurer.

SEC. 62. The city treasurer shall have the custody subject to the regulation herein made of all moneys, bonds, mortgages, notes and evidences of value belonging to the city. He shall receive all moneys belonging to and receivable by the corporation and keep a correct account of all receipts and expenditures thereof. He shall pay no money out of the treasury except in pursuance of and by authority of law and upon warrants signed by the clerk and countersigned by the mayor, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep account of and be charged with all taxes, and moneys appropriated, raised, or received, for each fund of the corporation, and shall keep a separate account of each fund and shall credit thereto all money raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund endorsed thereon by the clerk. The treasurer may also, subject to the approval of the council, appoint a deputy, who shall possess all the powers and authority of the treasurer and be subject to the control of said treasurer; and said treasurer and his bondsmen shall be liable for all acts of said deputy as fully as if said acts were performed by said treasurer in person. Such deputy shall be paid for his services by the treasurer unless otherwise provided by the common council. The city treasurer shall also be the collector of State and county taxes within the city, and all other taxes and assessments levied within said city; he shall perform such duties in relation to the collection of taxes as are provided by this act, and as the council may prescribe, and shall have the same power and authority in relation thereto as is conferred by law upon township treasurers except as herein otherwise provided.

Treasurer to
appoint deputy.

Treasurer to be
liable for acts
of deputy.

Treasurer to be
collector of
taxes.

Monthly report.

SEC. 63. The treasurer shall render to the clerk on the last day of every month in which banking institutions are by law

open to the transaction of business, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund since his last report, and the amount of money remaining in each fund on the day of his report; and in addition thereto he shall furnish the city clerk or common council with full and complete reports whenever requested so to do, and the council may, when they shall deem it advisable, cause such report to be verified by a personal examination of the books, warrants, vouchers and city money in the possession of the treasurer. He shall also exhibit to the council annually on the third Monday in March, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited and out of which disbursements are made, and the balances remaining in each fund; which account shall be filed in the office of the clerk and shall be published in one or more of the newspapers of the city.

Treasurer to make annual report to council.

To be published.

SEC. 64. Said treasurer shall take receipts for all moneys paid from the treasury, showing the amount and fund from which payment was made, and the voucher or warrant upon which it was paid, and file the same with the clerk with his monthly report.

Treasurer's receipts.

SEC. 65. The city treasurer shall be the treasurer of the school district designated as "Public Schools of the City of Adrian," and shall have the custody of the funds belonging to and receivable by such district, from all sources, for school, library and school-house purposes. He shall receive from the county treasurer for the use of such district, all school and library moneys coming into his hands to which the district shall be entitled, and for that purpose such school district shall be considered under the laws relating to the distribution of primary school and library moneys, the same as a township. Said city treasurer shall keep an account of all the school and library moneys of the district in such manner as the board of education may require, and account therefor to the board whenever they shall direct. He shall pay out no moneys of the district except upon such warrants or vouchers as the board of education shall prescribe. Before entering upon the duties of his office either as city treasurer or as treasurer of the public schools, the said city treasurer shall give bonds to the public schools of the city of Adrian, in such sums, and with such sureties, as the board of education shall direct, for the due performance of the duties of his office as treasurer of such district, and shall renew such bond from time to time, with such further sureties as said board may require.

Custodian of school funds.

Duties as such.

Bond.

SEC. 66. The city treasurer shall keep all moneys in his hands belonging to the city and to the public schools, separate and distinct from his own moneys; and he is hereby prohibited

Not to use public moneys for private purposes.

from using, either directly or indirectly, the corporation moneys, warrants or evidences of debt, or any of the school or library funds in his custody and keeping, for his own use or benefit or that of any other person but immediately upon the receipt of any money by virtue of his official position, he shall deposit the same forthwith in the depository bank provided in this act, or as the common council shall direct; and any violation of this section shall subject him to immediate removal from office by the council, who are hereby authorized to declare the office vacant and to appoint his successor for the remainder of the term.

CITY MARSHAL.

Powers and
duties of
marshal.

SEC. 67. The city marshal shall be the chief of police of the city. As police officer, he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city are promptly enforced. As peace officer, he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed and delivered to him, in all proceedings for violations of the ordinances of this city; such process may be served anywhere within the State.

Idem.

SEC. 68. He shall suppress all riots, disturbances and breaches of peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the corporation, and pursue and arrest any persons fleeing from justice in any part of the State. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State or the ordinances of the city, and forthwith take such persons before the proper magistrate or court for examination or trial, and may arrest or imprison persons found drunk in the streets, until they shall become sober.

Monthly report.

SEC. 69. The marshal shall report in writing and on oath to the council at its first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also, the number remaining in confinement for breaches of the ordinances of the city; the amount of all fines and fees collected by him for said city. All moneys collected or received by the marshal, unless otherwise directed by this act, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the city clerk.

Payment of
moneys re-
ceived.

Fees.

SEC. 70. The city marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services; but in no case such fees be charged to, or be paid by the city.

CITY ATTORNEY.

SEC. 71. The city attorney, in addition to the other duties prescribed in this act, shall be the legal advisor of the council and of all officers of the city; attend all meetings of the council, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute for offenses against the ordinances of the city. Advisor and solicitor.

CITY SURVEYOR.

SEC. 72. The city surveyor and his deputy shall have and exercise within the city, the like powers and duties as are conferred by law upon county surveyors; and the like effect and validity shall be given to his official acts, surveys, and plats, and those of his deputy as are given by law to the acts and surveys of county surveyors. He or his deputy shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications, required by the council or officers of the city relating to the public improvements, buildings, grounds, and streets of the city. Powers and duties.

STREET COMMISSIONER.

SEC. 73. It shall be the duty of the street commissioner to perform or cause to be performed, all such labor, repairs, and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and parks within the city, as the council shall direct to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the council. Powers and duties.

SEC. 74. He shall make a report to the council, in writing and on oath, once in each month, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor, the amount of material used and the expense thereof, and the street or place where such material was used, or labor performed; and further showing the item and purpose of all expenses incurred since his last preceding report, and no payment for labor or services performed or for expenses incurred by him shall be made until reported on oath as aforesaid. Monthly report.

CONSTABLES.

SEC. 75. The constables of the city shall have the like powers and authority in matters of civil and criminal nature, and in relation to the service of all manner of criminal process, as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of the ordinances of the city. Powers and authority.

Duties. SEC. 76. The constables of the city shall obey all lawful orders of the mayor, [aldermen] alderman, and chief of police, and of any court or justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city; and shall discharge all duties required of them by any ordinance, resolution or regulation of the council, and for any neglect or refusal to perform any duty required of him, every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable, before entering upon the duties of his office, shall give such security for the performance of the duties of his office as is required of constables in townships, or as may be required by the council, and file the same with the city clerk.

Penalty for neglect.

Securities.

BOARD OF REVIEW.

Council to appoint members of board of review. Term of office of members.

SEC. 77. On the first Monday in May after this act shall take effect, it shall be the duty of the council to appoint three members of a board of review, one for one year, one for two years and one for three years, designating in the appointment, of each his term of office, and on the first Monday of May, of each and every year thereafter, it shall be the duty of the council to appoint a member of the board of review, to take the place of the person whose time then expires, but appointments, which for any cause shall not be made on that day, may be made at a subsequent regular meeting of the council: *Provided*, That no person shall be appointed a member of said board from any ward then represented by an appointed or *ex officio* member. The three members of the board of review above specified, together with the mayor and city attorney, shall constitute a board of review for said city, and shall perform the duties in this act provided.

Proviso.

Mayor and city attorney to be members of board.

SUPERVISORS.

Powers and duties.

SEC. 78. The supervisors of the several wards are authorized to perform the same duties in relation to the assessment of property and levying taxes for all purposes in their respective wards, as are imposed by law upon supervisors elected in townships; and they shall have the like powers and perform the like duties in all other respects as supervisors so elected, except as herein otherwise provided, so far as such powers and duties are required to be exercised and performed in their wards; they shall represent their several wards in the board of supervisors of the county of Lenawee, and shall have all the rights, privileges, and powers of the several members of such board of supervisors.

Jury lists.

SEC. 79. The supervisors and aldermen of the several wards shall select and return lists of grand and petit jurors to the clerk of the county, in the same manner and within

the same time as the like duty is required to be performed by township officers.

JUSTICES OF THE PEACE.

SEC. 80. The justices of the peace elected in said city of Adrian shall have and exercise therein and within the county the same jurisdiction and powers in all civil and criminal matters, causes, suits, and proceedings, and shall perform the same duties in all respects, as far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of the State. They shall have authority to hear, try, and determine all actions and prosecutions for the recovery or enforcing of fines, penalties, and forfeitures for violations of this act, and for encroachments upon, and injuries to, any of the streets, alleys, and public grounds within the city, except in cases where jurisdiction is given to some other court. They shall have authority to hear, try, and determine all suits and prosecutions for the recovery and enforcing of fines, penalties, and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances, as in the ordinances prescribed and directed, subject only to the limitations prescribed in section one hundred and thirty-seven of this act. Powers and duties.

SEC. 81. The proceedings in all suits and actions before said justices, and in the exercise of the powers and duties conferred upon and required of them, shall, except as otherwise provided in this act, be according to, and be governed by, the general laws applicable to courts of justices of the peace and to the proceedings before such officers. Proceedings, etc., under general law.

SEC. 82. Every justice of the peace shall enter in the docket kept by him, the title of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city, and all the proceedings, and the judgment rendered in every such cause, and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties, and forfeitures, moneys, and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the justice at all times to the examination of any person desiring to examine the same, and shall be produced by the justice to the council whenever required. Docket.

SEC. 83. All fines, penalties, and forfeitures collected or received by any justice of the peace for, or on account of the violation of the penal laws of the State, and all fines, penalties, forfeitures, and moneys collected or received by such justice, for or on account of violations of any ordinances of the city, shall be paid over by such justice to the city treasurer on or before the first Monday of the month next after the collection of receipt thereof. And the justice shall take the re- To pay over moneys monthly.

ceipt of the city treasurer therefor and file the same with the city clerk.

Monthly report. SEC. 84. Every such justice shall report, on oath, to the council, at the first regular meeting thereof in each month, the name of every person against whom a prosecution has been commenced, or judgment rendered for any of the fines, penalties, or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution, and the amount thereof paid to the city treasurer since the last report.

Fines and expenses. SEC. 85. All fines recovered for the violation of the penal laws of the State, when collected and paid into the city treasury, shall be disposed of as provided by law. The expenses of prosecutions before justices of the peace of the city for violations of said criminal laws, and in punishing the offenders, shall be paid by the county of Lenawee.

Bond to the city. SEC. 86. Each justice of the peace, in addition to any other security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the city in the penalty of one thousand dollars, with sufficient sureties to be approved by the mayor, which approval shall be endorsed upon the bond, conditioned for the faithful performance of the duties of justice of the peace within and for the city.

Penalty for misconduct. SEC. 87. Any justice of the peace who shall be guilty of misconduct in office, or who shall neglect or refuse to perform or discharge any of the duties of his office required by this act or any of the ordinances of the city, or to make the monthly report called for by section eighty-four of this act, or to pay over moneys as required by section eighty-three of this act, shall be deemed guilty of a misdemeanor, and punished accordingly, and may be suspended from office by the council during its pleasure.

To account for certain property. SEC. 88. Every justice of the peace of the city shall account on oath to the council, at their first meeting in each month, for all such moneys, goods, wares, and property seized as stolen property, as shall then remain unclaimed in his office; and shall make such disposition thereof as shall be prescribed by the ordinances of the city.

Additional duties, etc., of officers. SEC. 89. In addition to the rights, powers, duties, and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with this act, as the council shall deem expedient, and prescribed by ordinance or resolution.

Certain officers may appoint deputies. SEC. 90. The city clerk, city collector, and city surveyor, may each, with the approval of the city council, appoint a deputy, and revoke such appointment at pleasure, which appointment and revocation shall be in writing under his hand, and shall be filed in the office of the city clerk; and each

of said deputies may perform all the duties of each of the above named offices. Said deputies may or may not be electors of said city.

COMPENSATION OF OFFICERS.

SEC. 91. The mayor and aldermen may each receive such salary not exceeding fifty dollars per year as may be prescribed by the council. All other officers of such corporation shall receive such compensation for their services as the city council shall prescribe, except where the same is fixed by this act, or is or shall be prescribed by other statutes in this State: *Compensation, etc.*
Provided, That the city marshal shall not receive more than eight hundred dollars, and such salary shall be in full for all services rendered by him in the performance of any of the duties of his office in any one year. Said city marshal shall not during the term of his office as marshal, hold the office of constable, or be appointed to any other office under the charter and ordinances of said city. *Proviso as to city marshal.*
 The city clerk shall not receive more than the sum of one thousand dollars for his services in any one year, which shall be in full for all services performed by him in the discharge of his office, and in full for the services of any deputy, all clerk hire or other assistance required in the performance of the duties of his office. *City clerk.*
 The city treasurer shall not receive more than the sum of eight hundred dollars for his services for any one year, which shall be in full for all services performed by him in the discharge of the duties of his office, and in full for the services of any deputy or clerk hire. The compensation of supervisors for assessing and levying taxes, extending taxes upon their rolls, shall not exceed the sum of one hundred and fifty dollars each, as may be determined by resolution of the city council of said city. For each official year for all services performed for, and to be paid for by the county, they shall receive the same fee as supervisors of townships. *City treasurer.*

SEC. 92. The salary or rate of compensation for any officer elected or appointed by authority of this act, shall not be increased or diminished during his term of office; and no person who shall have resigned or vacated any office, shall be eligible to the same office, during the time for which he was elected or appointed, when, during the same time, the salary or rate of compensation has been increased. *No change during term of office.*

CITY COUNCIL.

SEC. 93. The legislative authority of the said city of Adrian shall be vested in a council consisting of the mayor, two aldermen elected from each ward, and the city clerk. *Legislative authority.*

SEC. 94. The mayor shall be president of the council and preside at all meetings thereof, and shall have no vote except in case of a tie vote, then he shall have a casting vote. *President.*

President
pro tem.

SEC. 95. On the first Monday in May, in each year, the council shall appoint one of their number president *pro tem.* of the council, who, in the absence of the mayor, shall preside at the meetings thereof and exercise the powers and duties of mayor. He shall have a vote upon all questions. In the absence of the mayor and president *pro tem.* the council shall appoint one of their number to preside; and for the time being he shall exercise the powers and the duties of the president *pro tem.*

Clerk of
council.

SEC. 96. The city clerk shall be the clerk of the council, but shall have no vote therein. He shall keep a full record of all the proceedings of the council, and perform such other duties relating to his office as the council may direct. In the absence of the clerk the council shall appoint one of their number to perform the duties of his office for the time being.

Requirements
of aldermen.

SEC. 97. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all meetings and sessions thereof, and to serve upon committees whenever appointed thereon.

Judge of
elections, etc.

SEC. 98. The council shall be the judge of the election returns, and qualifications of its own members. It shall hold regular stated meetings for the transaction of business at such times and places within the city as it shall prescribe; not less than one of which shall be held in each month. The mayor, or any three members of the council may appoint special meetings thereof, notice of which, in writing, shall be given to each alderman, or be left at his place of residence, at least two hours before the meeting.

Meetings.

Meetings,
public.
Quorum.

SEC. 99. All meetings and sessions of the council shall be in public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley, or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of the members of the council entitled to vote; nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any resolution therefor be passed or adopted except by a vote of two-thirds of all the members entitled to vote.

When two-
thirds vote
required.

Manner of
conducting
business.

SEC. 100. The council shall prescribe the rules of its own proceedings, and keep a record on the journal thereof. All votes of appointments to office and measures incurring expense shall be taken by yeas and nays, and be so entered upon the journal as to show the names of those voting in the

affirmative and those in the negative; and within one week after any meeting of the council, all the proceedings and votes taken thereat shall be published in one or more newspapers of the city. Proceedings to be published.

SEC. 101. The council may compel the attendance of its members and other officers of the city at its meetings in such manner, and may enforce such fines for non-attendance as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council. Powers over officers.

SEC. 102. The city attorney, city marshal, street commissioner, city surveyor, and engineer of the fire department shall have seats in the council, and may take part in all proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members. Certain officers entitled to seats.

SEC. 103. The council shall have control of the finances, and of all the property, real and personal, of the city corporation, except as may be otherwise provided by law. Control of property.

SEC. 104. Whenever by this act or any other provisions of law, any power or authority is vested in, or duly imposed upon, the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty. May enact ordinances.

SEC. 105. The council may provide for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Standing committees.

SEC. 106. The council shall cause all the records of the corporation, and of all proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers, and papers relating to the finances and affairs of the city, or to the official acts of any officer of the corporation (unless required by law to be kept elsewhere), to be deposited and kept in the office of the city clerk and to be so arranged, filed and kept, as to be convenient of access and inspection, and all such records, books, and papers, shall be subject to inspection by any inhabitant of the city or other person interested therein, at all seasonable times, except such parts thereof as, in the opinion of the council it may be necessary for the furtherance of justice to withhold for the time being. Any persons who shall secrete, injure, deface, alter, or destroy any such books, records, documents, or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the State Records, etc., where deposited. Penalty for secreting, etc.

prison not longer than one year or by fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

Extra compensation prohibited.

SEC. 107. No member of the council, or alderman, shall receive any compensation for his services, either as councilman, alderman, committeeman, or otherwise, except as herein provided.

Interest in contracts prohibited.

SEC. 108. No member of the council or any officer of the corporation shall be interested directly or indirectly in the profits of any contract or job for the city of Adrian (other than official services to be performed for the corporation).

Penalty.

Any member of the council or any officer of the city of Adrian offending against the provisions of this section shall upon conviction thereof be fined not less than five hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or may be both fined and imprisoned in the discretion of the court, and shall forfeit his office. This section shall not apply to goods furnished, work done, or services rendered for said city by order of the council or of a committee having authority to order the same.

Removal from office.

SEC. 109. Any person appointed to office by the council by authority of this act, may be removed therefrom by a vote of a majority of the aldermen elected; and the council may expel any (alderman) aldermen or remove from office any person elected thereto, by a concurring vote of two-thirds of the members of the council entitled to vote. In case of elective officers, provision shall be made by ordinance for preferring charges and trying the same; and no removal of an elective officer shall be made unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

Charges against officers, investigation of.

SEC. 110. To enable the council to investigate charges against any officer, or such other matters as it may deem proper to investigate, the mayor, or any justice of the peace of the city is empowered, at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books, and papers, before the council or any committee of the members.

Powers to compel attendance of witnesses.

SEC. 111. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or chairman of such committee for the time being, shall have power to administer the necessary oaths; and such council or committee shall have the same power to compel the witnesses to testify as is conferred on courts of justices of the peace.

Auditing accounts, claims.

SEC. 112. The council shall audit and allow all accounts chargeable against the city; but no accounts or claims or contract shall be received for audit or allowance, unless it shall be accompanied with an affidavit of the person rendering it to the

effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged are reasonable and just, and that to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are endorsed or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city that it has never been presented, verified as aforesaid, to the council for allowance; or, that the claim was presented without the affidavit aforesaid and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it. And all claims for damages against the city growing out of the negligence or default of said city or of any officer or employé thereof shall be presented to the common council of said city in the manner above provided, and the place and circumstances out of which said claim arose shall be fully set forth therein, within three months after such claim shall arise, and in case of any default thereof said claim shall thereafter be forever barred. And in any action in any court on any such claim the claimant shall be required to show that such claim has been duly presented in the manner in this section specified to the common council of said city for audit, investigation and allowance.

Claims against the city to be presented within three months after they shall arise.

ORDINANCES.

SEC. 113. The style of all ordinances shall be "The City of Adrian Ordains." All ordinances shall require for their passage the concurrence of a majority of all members of the council entitled to vote.

Style, concurrence.

SEC. 114. When, by the provision of this act, the council of any city has authority to pass ordinances for any purpose, they may prescribe fines, penalties, and forfeitures, not exceeding five hundred dollars, (unless a greater fine or penalty is herein authorized), or imprisonment not exceeding six months, or both, in the discretion of the court, together with the costs of the prosecution, for each violation of said ordinances; and may provide that the offender, on failing to pay any such fine, penalty, or forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding six months, unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison, or in the county jail of Lenawee, or in such other prison or place of confinement in the State as the council may prescribe; and that the offender be kept at labor during such imprisonment. Such fine, penalty, forfeiture, and imprisonment, for the violation of any ordinances, shall be prescribed therein.

Fines and penalties.

Ordinances
to be presented
to mayor.

When to be of
force.

Clerk to certify
and report.

Revival and
enactment of
ordinances.

Record of
ordinances.

Publication of
ordinances.

Certificate of.

Proof of
ordinances,
etc., in court.

SEC. 115. On the same day or on the next day after a passage of any ordinance, the clerk of the council shall present the same to the mayor or other person performing the duties of the mayor, for his approval. No ordinance shall be of any force without the written approval of the mayor or other person performing for the time being the duties of his office, unless he omit to return it to the clerk of the council with his objections thereto within three days after its presentation to him, in which case it shall be deemed regularly enacted. If, after the return of the ordinance with the objections thereto, as aforesaid, the same shall be passed or re-enacted by a vote of two-thirds of all the aldermen elected, the ordinance shall be deemed regularly enacted, and the time of its re-enactment shall be deemed to be the time of its passage.

SEC. 116. At the time of presenting any ordinance to the mayor for his approval, the clerk of the council shall certify thereon, and also in the journal or record of the proceedings of the council, the time when the same was so presented, and shall also certify thereon and in such journal or record, the time of the return of such ordinance, whether approved or with objections, and shall at the next meeting of the council report any ordinance returned with the objections thereto.

SEC. 117. No ordinance shall be revived unless the whole, or so much as is intended to be revived, shall be re-enacted. When any section of an ordinance is amended, the whole section, as amended, shall be re-enacted.

SEC. 118. All ordinances when approved by the mayor or when regularly enacted shall be immediately recorded by the clerk of the council in a book to be called "The Record of Ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

SEC. 119. Within one week after the passage of any ordinance, the same shall be published in one or more newspapers printed and circulated within the city, and the clerk shall, immediately after such publication, enter on the record of ordinances in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made and sign the same officially, and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made.

SEC. 120. In all courts having authority to hear, try, or determine any matter or cause arising under the ordinances of said city, and in all proceedings in said city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions, and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations, or ordinances of said city, or any resolution adopted by the council thereof, the same may be read in all

the courts of justice, and in all proceedings: *First*, From a record thereof kept by the city clerk; *Second*, From a copy thereof, or of such record thereof, certified by the city clerk under the seal of the city; *Third*, From any volume of ordinances purporting to have been written or printed by authority of the council.

ENFORCEMENT OF ORDINANCES.

SEC. 121. Prosecutions for violations of the ordinances of said city, shall be commenced within two years after the commission of the offense; and shall be brought within the said city, or in the said county of Lenawee. Time and place for commencement of prosecution.

SEC. 122. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid. Recovery of penalties.

SEC. 123. Such action shall be brought in the name of the city, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the cause, shall except as otherwise provided herein, conform to and be the same as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action. Idem.

SEC. 124. Prosecutions for violations of the ordinances of the city may also in all cases, except against corporations, be commenced by warrant for the arrest of the offender. Suits, how commenced.

SEC. 125. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form and be issued upon complaint made as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause, and in procuring the attendance and Form of warrant. Proceedings.

testimony of witnesses, and in the rendition of judgment, and the execution thereof, shall except as otherwise provided by this act, be governed by and conform as nearly as may be to the provisions of law regulating the proceedings in criminal causes cognizable by justices of the peace.

Rendition of judgment.

SEC. 126. If the accused shall be convicted, the court shall render judgment thereon and inflict such punishment, either by fine or imprisonment, or both not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order.

Execution of judgment.

SEC. 127. Every such judgment shall be executed by virtue of an execution or warrant, specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section one hundred and twenty-three shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly in the former case until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter for the term named in the sentence.

Entitled to use of county jail.

SEC. 128. Said city shall be allowed the use of the jail of the county of Lenawee for the confinement of all persons liable to imprisonment under the ordinances thereof or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to and committed to imprisonment in such county jail or in the city prison or other places of confinement provided by the city, or authorized by the ordinances of the city, and the sheriff or other keeper of such jail or other places of confinement or imprisonment, shall receive and safely keep any person committed thereto aforesaid until lawfully discharged.

Process, to whom directed, etc.

SEC. 129. All process issued in any prosecution or proceeding for the violation of any ordinance of the city, shall be directed to the city marshal or to any constable of the city or county, and may be executed in any part of the State by said officers or any other officer authorized by law to serve process by justice of the peace.

Not necessary to set forth ordinances.

SEC. 130. It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provisions thereof in any complaint, warrant, process or pleading therein; but

the same shall be deemed sufficiently set forth or stated by reciting its title. And it shall be sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially and with reasonable certainty as to the time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title, and every court and magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence, and provisions of the ordinances of the city and the resolutions of the council, and of the authority of the city to enact the same.

Statement of
cause of action,
etc.

SEC. 131. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury except where other provision is made, shall consist of six persons; and in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil cases triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a jury in any cause in which the city is a party or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.

Jury.

SEC. 132. Any party convicted of violation of any ordinance of the city in a suit commenced by warrant as aforesaid, may remove the judgment and proceedings into the circuit court for the county of Lenawee by appeals or writ [of] *certiorari*; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and dispositions of the cause in the circuit court shall be the same as on appeal and *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment or remove the proceedings by *certiorari* into the circuit court; and the like proceedings shall be had therefor and thereon, and the like bond or surety shall be given as in cases of appeal and *certiorari* in civil causes tried before justices of the peace, except that the city shall not be required to give any bond or security thereon. The circuit court to which the cause shall be appealed or removed by *certiorari*, shall also take judicial notice of the ordinances of the city, and the resolutions of the council, and of the provisions thereof.

Appeal to
circuit court.

Bond, proceed-
ings.

SEC. 133. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was held. If any fines shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail

Fines, by whom
received.

Duty of court
relative to.

or prison who shall, within thirty days thereafter, pay the same to said court or magistrate, and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the city treasury, except such fines as by the constitution are appropriated for library purposes, on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.

Neglect to pay
over fines.

SEC. 134. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provisions, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving such fine who shall wilfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

A misde-
meanor.

Fines, where
credited.

SEC. 135. Fines paid into the city treasury for violations of ordinances of the city shall be credited to the police fund. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city.

Expenses, how
paid.

Jurisdiction of
circuit court,
etc.

SEC. 136. The circuit court of the county of Lenawee shall have jurisdiction to hear, try, and determine all causes arising under the ordinances of the city for violations thereof, when the fine or forfeiture imposed shall exceed two hundred dollars, or where the offender may be imprisoned for a term exceeding three months. The proceedings in the circuit court in such cases shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of the criminal laws of the State; and the general laws of the State regulating prosecutions in criminal cases and to recover penalties, shall apply.

Jurisdiction of
justices.

SEC. 137. The justices of the peace of the city shall have concurrent jurisdiction in all cases mentioned in the preceding section; but they shall not render judgment for more than two hundred dollars of the penalty or forfeiture imposed by any ordinance for the violation thereof, nor shall they sentence to imprisonment for a longer period than ninety days.

Security for
costs may be
required.

SEC. 138. In all prosecutions for violations of the ordinances of the city, commenced by any person other than an officer of the city, before process shall issue, the court shall require the prosecutor to file security for the payment of the costs of the proceedings in case the defendant is acquitted unless the approval of the city attorney is endorsed in writing on the complaint thereof.

Exception.

GENERAL POWERS.

Powers.

SEC. 139. The said city of Adrian shall, in addition to other powers as are herein conferred, have the general powers and

authority in sections one hundred and thirty-nine, one hundred and forty, one hundred and forty-one, one hundred and forty-two, one hundred and forty-three, one hundred and forty-four, one hundred and forty-five, one hundred and forty-six, one hundred and forty-seven mentioned, and the council may pass such ordinances in relation thereto, and for the exercise of the same, as it may deem proper, viz.:

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith. Power and authority relative to vice, etc.

Second, To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards, and persons found drunk in any of the public streets or places in the city, disorderly persons, and persons conducting themselves in a disorderly manner in any of the public streets or places in the city, and common prostitutes. Vagrants, etc.

Third, To prevent injury or annoyance from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue or remove the same, and generally to determine and declare what shall be deemed nuisances. Nuisances, etc.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof. Disorderly houses, etc.

Fifth, To regulate, license or prohibit and suppress billiard tables nine or ten-pin alleys or tables, and ball alleys, and to punish the keepers thereof. Billiard tables, etc.

Sixth, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming. Gaming, etc.

Seventh, To prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors to any drunkard or intemperate person, minor, or apprentice, and to punish any person so doing. Selling liquors to minors, etc.

Eighth, To regulate, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature for which money or other reward is in any manner demanded or received; lectures on historic, literary or scientific subjects excepted. Shows, etc.

Ninth, To prevent and punish violations of the Sabbath Day, and the disturbance of any religious meeting, congrega- Violation of Sabbath.

tion or society, or other public meetings assembled for any lawful purpose; and to require all places of business to be closed on the Sabbath Day.

- Auctions.** *Tenth,* To license auctioneers, auction and sales at auction, to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property or anything at auction, or by any manner of public biddings or offers by the buyers or sellers after the manner of auction sales and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue.
- Peddlers, etc.** *Eleventh,* To license hawkers, peddlers, and pawn-brokers, and hawking and peddling, and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments, or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device, in the streets, highways, alleys and sidewalks, or in or upon open places or spaces, public grounds or buildings in the city.
- Taverns, etc.** *Twelfth,* To regulate and license all taverns and houses of public entertainment, all saloons, restaurants, and eating houses; and to regulate and prescribe the location of saloons; but this shall not be construed as authorizing the licensing and sale of intoxicating liquors.
- Vehicles, etc.** *Thirteenth,* To license and regulate all vehicles of every kind, used for the transportation of persons or property for hire in the city, and regulate or fix their stands on the streets and public places.
- Inspection of meats, etc.** *Fourteenth,* To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat, and other provisions.
- Weighing and measuring.** *Fifteenth,* To regulate the inspection, weighing and measuring of brick, lumber, fire-wood, coal, hay, and any article of merchandise.
- Weights and measures.** *Sixteenth,* To provide for the inspection and sealing of weights and measures.
- Idem.** *Seventeenth,* To enforce the keeping and use of proper weights and measures by venders.
- Vaults, cisterns, etc.** *Eighteenth,* To regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters.
- Obscenity.** *Nineteenth,* To prohibit and prevent in the streets or elsewhere in said city, indecent exposure of person, the show, sale or exhibition, for sale of indecent or obscene pictures, drawings, engravings, paintings or books or pamphlets, and all indecent or obscene exhibitions and shows of every kind.
- Bathing.** *Twentieth,* To regulate or prohibit bathing in the rivers, ponds, streams and waters of the city.

Twenty-first, To provide for clearing the rivers, ponds and streams of the city, and the races connected therewith, of all drift wood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the water thereof impure, unwholesome and offensive. Purity of waters.

Twenty-second, To compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher-shop or stall, slaughter-house, stable, barn, privy, sewer or other offensive, nauseous or unwholesome place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of said city. Offensive places, etc.

Twenty-third, To regulate the keeping, selling and using of dynamite, gunpowder, fire-crackers and fire-works, and other combustible materials and the exhibition of fire-works, and the discharge of fire-arms, and to restrain the making or lighting of fires in the streets and other open spaces in the city. Explosives and combustibles.

Twenty-fourth, To direct and regulate the construction of cellars, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or to cause the same to be done by some other proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, barn, drain, sink or privy thereon. Cellars, drains, etc.

Twenty-fifth, To prohibit, prevent, and suppress mock auctions, and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing, or attempting to manage, use or practice the same, and all persons aiding in the management or practice thereof. Mock auctions.

Twenty-sixth, To prohibit and suppress all lotteries for the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, directing or managing the same. Lotteries.

Twenty-seventh, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house or railroad: also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description and used and employed for hire, and to fix and regulate the amounts and rates of their compensation, and provide the places where they may be admitted to receive or solicit patronage. Hackmen, runners, etc.

Twenty-eighth, To provide for the protection and care of paupers and to prohibit and prevent all persons from bringing to the city from any other place, any pauper or other person likely to become a charge upon said city, and to punish therefor. Paupers.

Twenty-ninth, To provide for taking a census of the inhabitants of the city, whenever the council shall deem fit; and to direct and regulate the same. Census, etc.

License of dogs.

Thirtieth, To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses; and to regulate and prevent the running at large of dogs, to require them to be muzzled and to authorize the killing of all dogs not licensed, or running at large in violation of any ordinance of the city.

Toy pistols, etc.

Thirty-first, To prohibit and punish the use of toy pistols, sling shots and other dangerous toys or implements within the city.

Horses in streets to be fastened.

Thirty-second, To require any horses, mules or other animals attached to any vehicle or standing in any of the streets, lanes or alleys in the city to be securely fastened, hitched, watched or held; and to regulate the placing and provide for the preservation of hitching posts.

Numbering of buildings.

Thirty-third, To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants to affix numbers on the same; and to designate and change the names of public streets, alleys and parks.

Public fountains, etc.

Thirty-fourth, To provide for, establish, regulate and preserve public fountains and reservoirs within the city, and such troughs and basins for watering animals as they may deem proper.

Public library.

Thirty-fifth, To establish and maintain a public library, and to provide a suitable building therefor, and to aid in maintaining such other public libraries as may be established within the city by private beneficence as the council may deem to be for the public good.

License transient traders, etc.

Thirty-sixth, The council may also license transient traders, which shall be held to include all persons who may engage in the business of selling goods or merchandise after the commencement of the fiscal year, and the license fee in such cases may be apportioned with relation to the part of the fiscal year which has expired, but such traders, if they continue in the same business, shall not be required to take out a second

Proviso.

license after the commencement of the next fiscal year: *Provided*, Such goods or merchandise have been assessed for taxes for said fiscal year.

Council may enact all ordinances for the good of the city.

Thirty-seventh, And further, the council shall have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State as they may deem necessary for the safety, order, and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever.

Licenses, granting of.

SEC. 140. The council may prescribe the terms and conditions upon which licenses may be granted, and may enact and require payment of such sum for any license as they may deem proper. The person receiving the license shall, if the council direct, before the issuing thereof, execute a bond to

Bond.

the corporation in such sum as the council may prescribe, with one or more sufficient sureties conditioned for a faithful observance of the charter of the corporation and the ordinances of the council and otherwise conditioned as the council may prescribe. Every license shall be revocable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

License revocable.

SEC. 141. No license shall be granted for any term beyond the first Monday in May next thereafter, nor shall any license be transferable. And the council may provide for punishment by fine or imprisonment or both, of any person who without license shall exercise any occupation or trade or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council. All sums received for licenses granted for any purpose by the city or under its authority shall be paid into the city treasury to the credit of the contingent fund.

Terms.

Punishment for non-compliance.

SEC. 142. The common council shall have power to contract with any safe and secure banking institution in said city, for a period not exceeding three (3) years, for the safe-keeping of the public moneys belonging to, or in the custody of said city, and for the payment of interest thereon at a rate not exceeding that established by law, upon all moneys belonging to said city or in its custody, deposited with said banking institution or institutions; such banking institution to be designated as the city depository, and to furnish bonds in such sum and with such sureties as the council shall deem necessary, within the time limited therefor by the council. Every contract with such depository bank shall contain a clause authorizing the common council, whenever it shall deem the interests of the city require it, to require an additional bond, in such sum and with such sureties, as the council shall deem proper, and in case of the failure of said depository to furnish such additional bond within the time limited by the council that the said funds be immediately withdrawn. Said city shall cause to be purchased a suitable and sufficient set of books, which shall be delivered to said depository bank, and a full and complete account shall be kept with said city in said books, and shall be open at all times during business hours to the inspection of any member of the council, the mayor, city clerk, city treasurer or city attorney; and where, for any cause such contract shall be terminated, or the funds withdrawn, said depository shall deliver said books to the city clerk. Money so deposited shall be drawn only upon the order of the city treasurer when he is authorized to pay the same according to the provisions of this charter, or directed by the

Banking institution to be city depository.

Such institution to give bonds.

An additional bond may be required.

Full account of the city business to be kept.

Books to be delivered to city clerk in case of withdrawal of funds.

Bank to furnish statement to city clerk at the end of each month.	common council to withdraw such deposits, and all orders shall be endorsed by him before being paid. It shall also be the duty of such depository bank, on the last day of every month in which banking institutions are by law open for the transaction of business, to make a complete statement showing the amount of money on hand at the time of last report, the dates and items of all amounts received and paid since said report, and the amount on hand at the close of banking hours on said day, which statement shall be at once filed with the city clerk. The common council shall on the first Monday of April after this act takes effect, and on the first Monday of April next preceding the termination of any existing contract, and for at least three successive days thereafter, advertise in the official paper of said city for sealed proposals from the banking institutions in said city, for the highest rate of interest obtainable from such banking institutions, on daily or monthly balances, as said council shall deem best, such sealed proposals to be filed with the city clerk on or before the second Monday of April. Said contract shall be awarded to the banking institution making the highest bid, provided said banking institution furnish a bond in an amount, and with sureties satisfactory to the council, within the time limited therefor by the council, and in case of failure to furnish such bond said contract shall be awarded to the next highest bidder furnishing said bond. Immediately upon entering into any contract, as in this act provided, the council shall, by resolution, direct the city treasurer to deposit all moneys belonging to the city, or all moneys in any way held or retained by him by virtue of his office as such city treasurer, with said depository bank, and that all sums received by him by virtue of his office thereafter, shall be deposited daily in said depository, and in case the city treasurer fails to deposit with such depository bank when directed so to do, in the manner directed by the common council, such failure shall be a cause for his removal from office: <i>Provided</i> , That neither the city treasurer nor his bondsmen, shall be deemed liable for any default, neglect or misconduct of such depository bank, after being directed by the common council to deposit funds therein. All sums received as interest from such depository bank shall be credited to the contingent fund. In case of failure by the common council to contract with the depository bank, or in case of the termination of such contract, all funds in the custody of the treasurer, by virtue of his official position, shall be deposited in such manner, and with such banks, as the council shall direct. The common council of said city may make such rules and regulations, and prescribe such conditions relative to the letting of such contracts with such depository or depositories, drawing upon said money so deposited, and the securities to be given by such depository, as to the common council may seem for the best interest and
Sealed proposals shall be furnished by the banking institutions.	
Contracts to be awarded to the bank making the highest bid.	
When money to be deposited by city treasurer.	
Penalty for not depositing.	
Interest to be credited to contingent fund.	
Council to make necessary rules and regulations.	

security of said city, not inconsistent with the provisions of this act.

SEC. 143. The council of said city shall have authority to permit any railroad company or street railway company to lay its track, and operate its road with the steam locomotives or other motive power, in or across the public streets, highways or alleys of the city as the council may deem expedient, upon such terms and conditions and subject to such regulations to be observed by the company as the council may prescribe; and to prohibit the laying of such track or the operating of any such road except upon such terms and conditions.

Regulations
relative to
railroads, etc.

SEC. 144. The council shall have power to provide for and change the location and grade of street crossings of any such railroad track; and to compel any railroad company or street railway company to raise or lower their railroad track, to conform to street grades which may be established by the city from time to time; and to construct street crossings in such manner as the council may require, and to keep them in repair; also, to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains within the city; but such speed shall not be required to be less than four miles per hour; and to impose a fine of not less than five nor more than fifty dollars upon the company, and upon any engineer or conductor, violating any ordinance regulating the speed of trains.

Idem.

SEC. 145. The council shall have power to require and compel any railroad company, and any street railway company to make, keep open and in repair such ditches, drains, sewers, and culverts along and under or across their railroad tracks as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct, and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company shall neglect to perform any such requirement, according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company, in a civil action, before any court having jurisdiction of the cause.

Idem.

SEC. 146. The council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, inclosures and parcels of land in said city; and relative to the assigning to the owners or occupants of such adjoining pieces of land, the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assign-

Partition
fences.

Fence viewers. ments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence-viewers, and prescribe their duties and mode of proceeding in all cases relating to partition fences in said city.

Support of poor. SEC. 147. The council of said city may make such provision as they shall deem expedient for the support and relief of poor persons residing in the city; and for that purpose may provide by ordinance for the election or appointment of an overseer of the poor for the city, and may prescribe his duties and vest him with such authority as may be proper for the due exercise of his duties.

Council may provide for appointment of police force. SEC. 148. The council of said city may provide by ordinance for the police force and for the appointment of such number of policemen and night watchmen as they may deem necessary for the good government of the city, and for the protection of the persons and property of the inhabitants, and may authorize the mayor to appoint special policemen from time to time, when in his judgment the emergency or necessity shall require; and may provide for and appoint subordinate officers for the police and night watchmen.

Rules for government. SEC. 149. The council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and nightwatchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and unlawful depredation. And the mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require; but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days.

Marshal as chief of police. SEC. 150. The city marshal, subject to the direction of the mayor shall, as chief of police, have the superintendence and direction of the policemen and nightwatchmen, subject to such regulations as may be prescribed by the council.

Powers and duties of police. SEC. 151. It shall be the duty of the police and nightwatchmen and officers of the force, under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, to suppress all riots, disturbances, and breaches of the peace; and to pursue and arrest any person fleeing from justice, in any part of the State; to apprehend any and all persons in the act of committing any offense against the laws of the State or any ordinance of the city; and to take the offender forthwith before the proper court or magistrate to be dealt

with for the offense; to make complaints to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of the ordinances of the city, or the penal laws of the State, and at all times diligently and faithfully to enforce all such laws, ordinances, and regulations for the preservation of good order and the public welfare as the council may ordain; and to serve all process directed to them for service, and for such purposes the chief of police and every policeman and nightwatchman shall have all the powers of constables and may arrest upon view and without process, any person in the act of violating any ordinance of the city, or of committing any crime against the laws of the State; the chief of police may serve and execute all process in suits and proceedings for violations of the ordinances of the city, and also any other process which, by law, a constable may serve.

SEC. 152. The mayor may suspend any police or night-watchman for neglect of duty, misconduct, or other sufficient cause, but he shall report the same to the council within five days, at a regular meeting, or at a special meeting called therefor, together with his reasons for such suspension, and unless his action is approved by the council by at least one-half of all the aldermen elect, said policeman or nightwatchman shall be restored to duty, and shall not be again suspended by the mayor, except by the consent of the marshal and the entire committee on license and police. In case the suspension is sustained by the council, it shall prescribe the duration of such suspension, and the council may remove from office any policeman appointed thereto at any time.

Suspensions
and removals.

CITY PRISON.

SEC. 153. The council of said city shall have power to provide and maintain a city prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those imprisoned therein.

Power to provide, etc.

SEC. 154. All persons sentenced to confinement in the city prison and all persons imprisoned therein on execution or commitment for the non-payment of fines for violations of the ordinances of the city, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe.

Prisoners
kept at hard
labor.

PUBLIC HEALTH.

SEC. 155. The council of said city may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious, or contagious

Protection of.

diseases within the city or within one mile thereof; and for the removal of persons having such diseases, or who from exposure thereto or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the council may prescribe, or the public safety may require.

Nuisances
dangerous to
life and health.

SEC. 156. The council shall have power to prevent and remove or abate all nuisances dangerous to life and health within the city; and may require any person, corporation or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice and within such time and in such manner as the council may by ordinance or resolution direct.

Cellars and
vaults danger-
ous to.

SEC. 157. If any cellar, vault, lot, sewer, drain, place or premises within the city shall be damp, unwholesome, offensive, or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned, amended, or purified; or may require the owner or occupant or person in charge of such lot, premises or place, to perform such duty; and may require the owner or occupant of any building, fence or structure which may be ruinous or liable to fall or injure persons or property to pull down or remove the same; or the council may cause the same to be done by the proper officers of the city.

Dangerous
structures.

Expense of
removals, etc.,
how recovered,
etc.

SEC. 158. If any person, corporation or company shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance or in causing such duty or requirement to be performed, such expense may be recovered by the city in an action of debt or assumpsit against such person, corporation or company. And in all cases where the city shall incur any expense for draining, filling, cleansing or purifying any lot, place or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies provided for the recovery of such expense, charge the same or such part thereof as they shall deem proper upon the lot or premises upon or on account of which such expense was incurred, or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment.

Relative to
dangerous and
offensive busi-
ness.

SEC. 159. The council, when they shall deem it necessary, may from time to time assign by ordinance certain places within the city for the exercising of any trade or employment

offensive to the inhabitants or dangerous to the public health; and may forbid the exercise thereof in places not so assigned; and may change or revoke such assignments at pleasure; and whenever a business carried on in any place so assigned or in any other place in the city shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

SEC. 160. The council may purchase the necessary lands, and erect thereon or otherwise provide, one or more hospitals, either within or without the city limits, and provide for the appointment of the necessary officers, attendants or employés, for the care and management thereof, and for the care and treatment therein of such sick and diseased persons as to the council or board of health of the city shall seem proper; and by direction of the council or board of health, persons having any malignant, infectious or contagious disease, may be removed to such hospital, and there detained and treated, when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

Establishment
of hospitals.

SEC. 161. The council of said city shall also have and exercise within and for the city all the powers and authority conferred upon boards of health by general law, so far as the same are applicable and consistent with this act; and [they] the may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

Council vested
with powers
of boards of
health.

SEC. 162. The council, when deemed necessary, may establish a board of health for the city, and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the chapter of the compiled laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule, or regulation made by the board of health or any officers thereof.

May establish
boards of
health.

CEMETETERIES.

SEC. 163. Said city may acquire, hold, and own such cemetery or public burial place or places, either within or without the limits of the corporation as in the opinion of the council shall be necessary for the public welfare and suitable for the convenience of the inhabitants. And may prohibit the interment of the dead within the city, or may limit such interments

City may
acquire and
own.

Regulate
burials.

therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere.

Raising of
money for.

SEC. 164. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection and care thereof.

Authority of
council.

SEC. 165. The council of said city, owning a public burial ground or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect, the provisions herein contained and to control or regulate such cemetery or burial place and the improvement thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the council.

Church
cemetaries.

SEC. 166. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging to or under the control of any church, religious society, corporation, company or association, and for the protection and preservation of the tombs, monuments, and improvements thereof and the appurtenances thereto.

POUNDS.

Council may
provide.

SEC. 167. The council may provide and maintain one or more pounds within the city, and may appoint pound-masters, prescribe their powers and duties, and fix their compensation; and may authorize the impounding of all beasts, geese and other fowls found in the streets or otherwise at large or tied or staked in such streets for the purpose of grazing, contrary to any ordinance of the city; and if there shall be no pound or pound-master, they may provide for the impounding of such beasts, geese and fowls, by the city marshal, in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of pound-master.

Fees, charges.

SEC. 168. The council may prescribe the fees for impounding, and the amount or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the beasts, geese, or fowls impounded; and may authorize the sale of such beasts, geese and fowls for the payment of such fees, expenses and charges, and for penalties incurred, and may impose penalties for rescuing any beast or thing impounded.

MARKETS.

Erection,
regulation of.

SEC. 169. The council of said city shall have the power to erect market-houses, establish and regulate markets and market-places, for the sale of meats, fish, vegetables, and other

provisions and articles necessary to the sustenance, convenience and comfort of the inhabitants; to prescribe the time for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the venders.

SEC. 170. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and to preserve order in the markets; and may authorize the immediate seizure, arrest, and removal from the market of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted or unsound meats, or other provisions exposed for sale therein.

Rules to prevent frauds.

PUBLIC BUILDINGS, GROUNDS AND PARKS.

SEC. 171. Said city may acquire, purchase, and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate, and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and all other purposes necessary or convenient for the public good, and the execution of the powers conferred by this act; and such buildings and grounds or any part thereof may be sold, leased, mortgaged, and disposed of as occasion may require.

Acquisition, use and disposition of.

SEC. 172. When the council shall deem it for the public interest, grounds and buildings for city prisons, work-houses, hospitals, pest-houses, cemeteries, water-works, and other necessary public uses, may be purchased, erected, and maintained beyond the corporate limits of the city; and in such cases the council shall have authority to enforce beyond the city limits, and over such lands, buildings and property in the same manner and to the same extent as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof; and for the management and control of the persons kept or confined in such prisons, work-houses or hospitals.

Of hospitals, water-works, etc., outside city limits.

SEC. 173. The council shall have authority to lay out, establish and enlarge or vacate and discontinue public grounds and parks within the city, and to improve, light and ornament the same, and to regulate the care thereof, and to protect the same and the appurtenances thereof from obstructions, encroachments and injury, and from all nuisances.

Of parks within city.

SEWERS, DRAINS AND WATER-COURSES.

SEC. 174. The council of said city may establish, construct and maintain sewers and drains whenever and wherever necessary, and of such dimensions and material, and under such regulations as they may deem proper for the drainage of the

Establishment and construction of.

city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds.

Board of sewer commissioners.

SEC. 175. If the council shall deem it expedient, they may establish a board of sewer commissioners for the city, consisting of not less than three, nor more than five persons, to have the management of the sewers, and the charge of their construction; and may by ordinance prescribe their powers, compensation, term of office and duties.

Plan for drainage.

SEC. 176. Whenever it may become necessary in the opinion of the council to provide sewerage and drainage for the city or any part thereof, it shall be their duty to devise or cause a plan of drainage to be devised for the whole city, or for such part thereof as they shall determine.

How formed.

SEC. 177. Such plans shall, in the discretion of the council, be formed with the view of the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections; the districts to be numbered and so arranged as to be nearly independent of each other as may be. Plats or diagrams of said plans, when adopted, shall be filed in the office of the city clerk.

Plats.

Special sewer districts.

SEC. 178. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with the main sewer, and such lands as in the opinion of the council will be benefited by the construction thereof. When deemed necessary, special districts, to include one or more local or branch sewers and such lands as in the opinion of the council will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

Trunk sewers.

SEC. 179. The council may, however, provide for main or trunk sewers without reference to sewer districts, diagrams or plats of which shall be recorded in the office of the city clerk in the book of sewer records.

Manner of paying for sewers.

SEC. 180. The cost and expenses of establishing and making any main or trunk sewers, constructed without reference to sewer districts, shall be paid out of the general sewer fund. Such part as the council shall determine, being not less than one-sixth of the cost and expense of any main district sewer or of the cost of any lateral branch or local sewer constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such cost and expenses shall be defrayed by special assessment upon all the lands and premises, included within the main or special sewer district, as the case may be, except streets and alleys and public parks, in proportion to the estimated benefits accruing to each parcel

respectively from the construction of the sewer. Assessments, according to the benefits as aforesaid, shall be made without reference to any improvements or buildings upon the lands.

SEC. 181. Special assessments for the construction of sewers shall be made by the board of assessors in the manner provided in this act for making special assessments, and sewers shall be laid and constructed as provided therein.

Special assessments, by whom made.

SEC. 182. When the owners of the majority of the lands liable to taxation in any sewer district or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer in such location, and if the lands including the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose.

When council shall construct a sewer.

SEC. 183. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

Private drains

SEC. 184. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the council shall prescribe.

Connection with public sewers.

SEC. 185. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding ten dollars per year as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise. And the council shall have the power to compel owners of lots to connect with sewers laid in streets which it is the intention to pave prior to constructing said paving.

Annual fees for use of sewers.

When council can compel owners to connect with street sewers.

SEC. 186. Such part of the expenses of providing ditches and improving water-courses as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby in proportion to such benefits.

Special assessment for ditches.

SEC. 187. The expenses of repairing public sewers, ditches and water-courses may be paid from the general sewer fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

Expenses of repairing.

Protection and
control.

SEC. 188. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city.

STREETS AND PUBLIC GROUNDS.

Control and
repairing of.

SEC. 189. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks, and public grounds within the city, and shall cause the same to be kept in repair, and free from nuisance.

Certain streets
excepted.

SEC. 190. But the city shall not be responsible for the care, improvement, or repair of any street or alley laid out or dedicated to public use by the proprietors of any land which had not been actually accepted, worked and used by the public as a street or alley before the incorporation of the city under this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after such incorporation, unless the dedication shall be accepted and confirmed by the council by an ordinance specially passed for that purpose.

Laying out,
altering of
streets, etc.

SEC. 191. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate or abolish any highway, street or alley in the city, whenever they shall deem the same a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement, except the amounts paid for private property taken for public streets, may be paid by special assessments upon the property adjacent to or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments; or, in the discretion of the council, a portion of such cost and expenses may be paid by special assessments as aforesaid and the balance from the general street fund.

Expenses.

Vacating of
streets.

SEC. 192. When the council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground or any part thereof they shall by resolution so declare, and in the same resolution shall appoint a time not less than four weeks thereafter, when they will meet and hear objections thereto; notice of such meeting with a copy of said resolution shall be published for not less than once each week four times before the time appointed for such meeting, in one or more of the newspapers of the city. Objections to such proposed action of the council may be filed with the city clerk in writing, and if any such shall be filed, the street, alley or public ground or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the members of the council entitled to vote.

Notice.

Filing
objections.

Effect of.

SEC. 193. The council may cause all public streets, alleys, and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the city clerk in a book of street records; and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended or accepted and confirmed by the council, to be recorded in like manner; and such record shall be *prima facie* evidence of the existence of such streets, alleys or public grounds, as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley or public ground, shall also be recorded in said book of street records, and the record shall be *prima facie* evidence of all the matters therein set forth.

Survey of streets and record of same.

Record of resolution vacating.

SEC. 194. The council shall have authority to determine and establish the grades of all streets, avenues, alleys and public grounds within the city, and to require improvements and buildings adjacent to or abutting upon such streets, alleys or grounds, to be made and constructed in conformity with such grade; and the council may change or alter the grade of any street, alley or public ground, or any part thereof whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the city clerk.

Street grades.

Record of.

SEC. 195. Whenever any street, alley, or public highway shall have been graded, or pavement shall have been constructed in conformity to grades established by authority of the city and the expense thereof shall have been assessed upon lots or lands bounded by or abutting upon said street, alley or public highway, the owner or owners of such lot or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley or public highway, unless such change be asked for by a majority of the owners of such lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by the city.

Expense of change of grade.

SEC. 196. If any damage shall result to any owner by a change of the established grade of any street, alley or sidewalk, the council may, in their discretion, levy and collect the amount thereof by special assessment upon the lots benefited thereby, and therewith pay the same; but the city shall incur no liability by reason of anything in this section contained.

Damages from change of grade.

PAVING AND IMPROVEMENTS.

SEC. 197. The council shall have power to grade, pave, plank, gravel, curb, and otherwise improve and repair the highways, streets, avenues, lanes and alleys of the city; and for that purpose and for defraying the expenses thereof may divide

Authority for.

Paving defined. the city into street districts. The term "paving" shall be deemed to include the construction of crosswalks, gutters and curbing.

Apportionment of paving expenses. SEC. 198. Such part of the expenses of improving any street, lane or alley by grading, paving, planking, graveling, curbing or otherwise, and of repairing the same as the council shall determine, may be paid from the general street fund or from the street district fund of the proper street district, or in part from each, or the whole or such part of the expense of such improvement as the council shall determine, may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon the part of the street or alley so improved or proposed so to be; or constituted of lands fronting upon such improvements, and such other lands as in the opinion of the council may be benefited by the improvement.

Idem. SEC. 199. When expenses for any such improvement or repairs shall be assessed in a special assessment district, and there shall be lands belonging to the city fronting upon such improvement such part of the expense of such improvement as in the opinion of the council or board of assessors making a special assessment would be justly apportionable to such city property, and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general street fund or from the proper street district fund, or partly from each, as the council shall determine to be just, and the balance of such expenses shall be assessed upon the lots and premises included in the special assessment district in proportion to their number of feet frontage upon such improvement; or, if the special assessment district shall include other lands not fronting upon the improvement, then upon all lands included in such special assessment district in proportion to the estimated benefits resulting thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessment on other lots, the council or board of assessors making the assessment, may assess such lots for such number of feet frontage as in their opinion would be just.

STREET REGULATIONS.

Obstructions, encroachment. SEC. 200. The council shall have power to prohibit and prevent obstructions and incumbrances in, and encroachments upon, the public highways, streets and alleys of the city, and to remove the same; and to punish those who shall obstruct, incumber, encroach or maintain any encroachments upon or in any such highway, street or alley, and to require all such persons to remove every such obstruction, incumbrance and encroachment.

SEC. 201. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets and avenues of the city, and for the protection thereof; and may light the streets and public places, and regulate the setting of lamps and lamp-posts therein, and protect the same.

Trees, lamp-posts.

SEC. 202. The council may regulate the making of all openings in, and removal of, the soil of public streets, for the laying or repairs of sewers, drains, gas-pipes, water-pipes or for any other purpose; and may prohibit and prevent all such openings and removals of the soil, except by express permission of the council, and at such times and upon such terms and regulations as they may prescribe.

Openings in streets.

SEC. 203. The council may regulate the use of the public highways, streets, avenues, and alleys of the city subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay, and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use or placing of signs, advertisements, and banners, awning-posts and telegraph, telephone and electric light poles, in, under or over the streets; to prohibit immoderate riding and driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings, and gathering of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese, and other domestic animals or fowls in the streets or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same, and to require and authorize the destruction of dogs found at large contrary to the ordinances of the city; to cleanse and purify the streets, and to prohibit, prevent, remove, and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city as are conferred by law upon highway commissioners in townships.

Use of streets.

Stands for vehicles.

Wood and hay market.

Signs.

Immoderate driving.

Gathering of crowds.

Running at large of animals and fowls.

Cleaning of streets.

Council to have general authority.

SIDEWALKS.

SEC. 204. The city council shall have control of all sidewalks in the public streets and alleys of the city; and may prescribe the grade thereof, and change the same when deemed

Construction of.

necessary. They shall have power to construct and maintain sidewalks and crosswalks in the public streets and alleys, and charge the expense thereof on the lots and premises adjacent to and abutting upon such walks.

Idem. SEC. 205. The council shall have authority to require the owners and occupants of lots and premises to construct and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon lines and grades, and of such width, materials, and manner of construction, and within such time as the council shall, by ordinance or resolution, prescribe.

Removal of snow and ice. SEC. 206. The council shall also have power to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth, and other nuisances.

Proceedings in case of neglect. SEC. 207. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or to remove the snow, ice, and filth therefrom, or to remove and keep the same free from obstructions, encroachments, incumbrances or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks within such time and such manner as the council shall require, the council may cause the same to be done, and such sidewalks to be constructed or repaired or cleared from snow and ice at the expense of such owner or occupant, and the amount of all expenses incurred by the council thereby shall be levied as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk.

Expense, how paid.

Regulations as to signs, excavations. SEC. 208. The council shall have power to regulate and prohibit the placing of signs, awnings, awning-posts, and of other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures, and excavations under the same; and to prohibit and prevent obstructions, incumbrances, or other nuisances upon the sidewalk.

Liabilities of lot owners. SEC. 209. If any owner, occupant, or person in charge of any lot or premises shall neglect to repair any sidewalk in front of or adjacent to such premises or to remove any snow or ice therefrom or to keep the same free from obstructions and incumbrances in accordance with the requirements of the ordinances and regulations of the council, he shall be liable to the city for the amount of all damages which shall be recovered against the city for any accident or injury occurring by reason of such neglect.

COST OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

SEC. 210. The cost and expense of the following improvements, including the necessary lands therefor, viz.: For city hall and other public buildings and offices for use of the city officers, engine houses and structures for the fire department, for water works, market houses and spaces, cemeteries and parks, city prisons and work houses, lands appropriated for streets and rights of way, shall be paid from the proper general funds of the city. When by the provisions of this act the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to or otherwise benefited by the improvement, such assessment may be made as in this act provided.

Certain improvements paid from general fund.

Special assessment.

SEC. 211. There shall be a board of assessors in said city consisting of the city surveyor or his deputy, city clerk and city marshal. Their compensation shall be prescribed by the council. Special assessments authorized by this act shall be made by such board. If a member of the board shall be interested in any special assessment directed by the council, they shall appoint some other person to act in his stead in making the assessment who, for the purpose of that assessment, shall be a member of the board.

Board of assessors, compensation, etc.

SEC. 212. When the council shall determine to make any public improvements or repairs and defray the whole or any part of the costs and expenses thereof by special assessment, they shall by resolution determine the necessity thereof and declare their intention to make said improvement stating the improvement, and designate as near as possible the locality and nature thereof, and what part or portion of the expense thereof shall be paid by special assessment, and what part, if any, has been appropriated from the general funds of the city, or from street district funds, and shall designate the district or land and premises upon which the special assessment shall be levied, specifying whether said assessment shall be levied according to benefits or according to frontage.

Expenses of improvements, how apportioned.

SEC. 213. Before ordering any such public improvement or repairs any part of the expense of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made and also plats and diagrams when practicable, of the work and locality to be improved, specifying if said improvement be a sewer, the kind and size of pipe, and if paving, the extent and dimensions of said work, and the kind of material to be used; which said estimates, plats, and diagrams shall be filed in the office of the city clerk for public examination at least five days before the hearing herein provided and shall cause to be published in the official newspaper of the city at least once in each week for two weeks in succession a notice of the time when the council will meet and con-

Estimates, plats.

Notice of meeting to consider.

Two-thirds vote of the council necessary to order improvements. Council shall have right to change details of plan.	sider any objections to said improvement, said notice shall also set forth the locality or district to be assessed, and the part or portion of said expense to be assessed upon said district, whether according to frontage or according to benefits, and shall specify the time when said plats, diagrams and estimates of the expense thereof will be on file in the office of the clerk for public examination; unless the owners of more than one-half of the property, according to the valuation appearing upon the last annual tax roll, to be assessed in said special assessment district, shall petition therefor, no such improvement or work shall be ordered except by a concurring vote of two-thirds of all members of the council entitled to vote. Upon such hearing the council shall have the right to make any change in the quality or kind of material to be used or in the details or plan of the work it shall deem necessary: <i>Provided</i> , That in case such change increases the expense above the estimate filed as herein provided, or if any change be made in proportion or part of the expense to be levied in special assessment, or any change in the special assessment district, a new notice shall be given and hearing had as provided in this section: <i>Provided, further</i> , That this and the preceding section shall not apply to special assessments for the construction of sidewalks. After the hearing mentioned in the preceding section, if the council determine to order said work they shall declare by resolution, and that the work be done by and under the direction of the proper committee or that said committee advertise for bids in such manner as the council shall direct.
Proviso.	
Further proviso.	
How council to order work.	
Costs.	SEC. 214. The cost and expenses of any improvement which may be defrayed by special assessment shall include the cost of surveys, plans, assessments, and costs of construction. In no case shall the whole amount, to be levied by special assessment upon any lot or premises for any one improvement, exceed twenty-five per cent of the value of such lot or land as valued and assessed for State and county taxation in the last preceding ward tax-roll; any cost exceeding that per cent which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the city.
Limit of special assessment.	
When levied.	SEC. 215. Special assessments, to defray the estimated cost of any improvement, may be levied before the making of the improvement, or the council may, in its discretion, carry on the work as herein provided and levy the assessment upon the completion thereof.
Statement to board of assessors.	SEC. 216. When any special assessment is to be made upon the lots and premises in any special district according to frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors, and shall state therein the amount to be assessed, and whether according to benefits or frontage, and shall designate the district to be assessed, and shall direct said board of assessors to file their assessment in the office of the city clerk for public examination
Assessment to be filed.	

on or before the expiration of the time limited therefor in said resolution.

SEC. 217. Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein all lots, premises and parcels of land to be assessed, and the valuation thereof, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and provisions of this act, applicable to the assessment; and when such assessment is completed, they shall file said roll in the office of the city clerk, numbered, and said clerk shall report the same to the council.

Assessment roll.

Roll to be filed with city clerk.

SEC. 218. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed; unless on account of the size or shape of the lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefits resulting to such lot from the improvement.

Assessments according to frontage.

According to benefit.

SEC. 219. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land, or premises which by the provisions of this act, the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land in an assessment district, on an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person chargeable therewith shall be reported to the council in such manner as the council shall prescribe.

Other assessments.

SEC. 220. The council shall determine what amount or part of such expense shall be charged, and the person, if known, against whom and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises and the persons chargeable therewith respectively to be reported by the city clerk to the board of assessors for assessment.

Duties of council respecting special assessments.

SEC. 221. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy as a special assessment therein upon each lot or parcel of land so reported to them and against the

Duties of assessors.

person chargeable therewith, if known, the whole amount or amounts of all charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed they shall file said assessment in the office of city clerk and report the same to the council.

Filing and review of assessment.

SEC. 222. When any special assessment shall be filed in the office of the city clerk and numbered, it shall thereupon be the duty of the city clerk to cause notice to be published once in each week for at least two weeks in succession in the official newspaper of said city of the filing of the same with the city clerk, and that said roll is open to the inspection of all persons interested, and fixing a time when the council and board of assessors will meet for the purpose of reviewing said assessment and hearing and considering any objection thereto.

Objections.

Review of assessment.

SEC. 223. At the time appointed for that purpose as aforesaid, the council and board of assessors shall meet, and there, or at some adjourned meeting, review the assessment; and the council shall correct the same if necessary, and confirm it as reported, or corrected; or they may refer the assessment back to the board for revision, or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When they shall confirm the same they shall so declare by resolution and in said resolution they shall determine the time or times when the same shall become due and payable, and with what rate of interest as hereinafter provided. When a special assessment shall be confirmed the city clerk shall endorse thereon a certificate showing the date of such confirmation, the rate of interest determined upon, and the time when the same shall become due and payable.

Resolution.

Certificate.

Confirmation.

Two-thirds vote necessary.

SEC. 224. When any special assessment shall be confirmed by the council, it shall be final and conclusive; and if the improvement has been completed or the work done, the assessment may be confirmed by a majority vote. If the work has not been finished or the improvement not been commenced, such assessment shall not be confirmed except by a two-thirds vote of the members of the council entitled to vote.

Assessment a lien.

SEC. 225. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the persons to whom assessed, until paid.

Division of into installments.

SEC. 226. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year at such time as the council shall determine, with annual interest at a rate not exceeding eight per cent, but any party assessed shall be permitted to pay the whole amount assessed against him at the time of paying any installment.

May pay whole amount.

First installment, when due.

SEC. 227. All special assessments, except such installments thereof as the council shall make payable at a future time as

provided in the preceding section, shall be due and payable upon confirmation.

SEC. 228. If any special assessment shall be divided by the council into installments as herein provided, it shall be the duty of the city treasurer to at once divide said assessment in the manner determined by the council and carry out each of said installments upon said roll in its proper division, and for this purpose said roll shall be appropriately ruled with proper headings for each installment, and for the interest thereon.

Division of
assessment
roll accord-
ing to in-
stallments.

SEC. 229. Should any lots or land be divided after a special assessment thereon has been confirmed and divided into installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment when confirmed, shall be conclusive upon all the parties, and all assessment thereafter made upon such lots or lands shall be according to such division.

In case of
division of
lots.

SEC. 230. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may within the limitation prescribed for such assessments, make an additional *pro rata* assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

In case of a
deficiency.

Of surplus.

SEC. 231. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessment have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such re-assessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises, and the re-assessment shall to that extent, be deemed satisfied.

In case of
irregularity.

SEC. 232. No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might have been lawfully assessed thereon.

Lien not
destroyed.

SEC. 233. Whenever any special assessment shall be confirmed and be payable, the council may direct the city clerk to report to the supervisor of each ward in which any of the lots and premises assessed in the special assessment roll are

What assess-
ment may be
reported to
supervisor.

Levy and
collection of
same.

located, a description of such lots and premises as contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and requiring said supervisor to levy the several sums so assessed, as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report, the supervisor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax, in the ward tax roll next thereafter to be made, in a column for special assessments, and thereupon the amounts so levied in said ward tax roll shall be collected and enforced with the other taxes in the ward tax roll, and in the same manner; and shall continue to be a lien upon the premises assessed, until paid, and when collected shall be paid into the city treasury.

Council may
order direct
collection by
city collector.

SEC. 234. When any special assessment shall be confirmed, and payable as hereinbefore provided, said assessments shall be collected directly from said assessment roll unless otherwise determined by the council as hereinbefore provided, and thereupon it shall become the duty of the city clerk, and said clerk shall without any further order or direction of the council whenever any of said installments become due and payable, as provided by the council, to attach his warrant to a certified copy of said assessment roll, therein commanding the city treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and opposite his name therein, there due and payable; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person; and that he pay the money so collected into the city treasury, and return said roll and warrant, together with his doings thereon in sixty days of the date of such warrant.

Duty of
collector.

SEC. 235. Upon receiving said assessment roll and warrant, the city treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the treasurer shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five percentum upon the amount of the assessment for the cost and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

SEC. 236. The city treasurer shall pay the moneys and all the percentage collected by him into the city treasury. He shall also make return of said assessment roll and warrant to the city clerk according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessment remain unpaid, and the amount unpaid on each.

Further duties
of collector.

SEC. 237. Said warrant may be renewed from time to time by the city clerk, if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the city treasurer shall perform the same duties and make the like returns, as above provided. In case any assessment shall be finally returned by the city treasurer unpaid as aforesaid, the same may be certified to the supervisor of the proper ward in the manner provided in section two hundred and thirty-five of this act and shall then be re-assessed with interest included at the rate of ten per cent per annum from the date of the expiration of said warrant until the first day of February then next, in the next ward tax roll, and be collected and paid in all respects as provided in section two hundred and thirty-three aforesaid.

Renewal of
warrant.

Re-assessment.

SEC. 238. At any time after a special assessment has become payable, the same may be collected by suit in the name of the city against the person assessed in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

Collection by
suit.

SEC. 239. If in any such action it shall appear that by reason of any irregularities or informality, the assessment has not been properly made against the defendant or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant or the lot or premises in question, render judgment for the amount properly chargeable against the defendant, or upon such lot or premises.

Judgment
in case of
irregularity.

APPROPRIATION OF PRIVATE PROPERTY.

SEC. 240. Private property may be appropriated for public use in said city for the purpose of opening, widening, altering, and extending the streets, alleys, and avenues; for the con-

For what
purposes.

Manner of
acquiring.

struction of bridges; for buildings and structures for the fire department; for public grounds, parks, market places and spaces, and for the improvement of water-courses; for sewers, drains, and ditches; for water-works, and for necessary public buildings, hospitals, pest-houses, and public cemeteries. But such property shall not be taken therefor without the consent of the owner, unless the necessity for using the same, and the just compensation to be made therefor shall be determined by a jury of twelve freeholders, residing in the city; nor shall any improvement, requiring the taking of private property be made, except with the concurrence of two-thirds of the members of the council entitled to vote. The council may, however, acquire such property by negotiation and purchase.

Proceedings
of council
when seizure
is necessary.

SEC. 241. When the council shall deem it necessary to make any public improvements, requiring the taking or using of private property not acquired by purchase, they shall so declare by resolution, describing the proposed improvement and each parcel of land designated to be taken or used, by metes and bounds, or by lot number, giving the names of the owners or persons interested therein, so far as known; and shall, in the same resolution, designate a justice of the peace of the city to whom an application will be made, at a time therein stated, for the impaneling of a jury to ascertain the necessity of using such land, and the just compensation to be made therefor.

Notice of
application
for jury.

SEC. 242. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice of the peace, and a notice of the time and place of making said application, including a copy of said resolution, shall be given by publishing the same for three weeks in one of the newspapers of the city, the first publication of which shall be at least thirty days before the time fixed for the application. And a copy of said notice and resolution shall be served personally by the city marshal or the sheriff of the county, at least two weeks before the time for said application, upon each owner and person interested in said lands, so far as known, and upon the guardian of any minor or incompetent person interested therein, if to be found within the city or elsewhere in the county; and if any such guardian, owner, or person interested in the premises shall not be found within the city or county, a copy of said notice and resolution shall be posted upon the premises to be taken, the same length of time before making the application. A return by the sheriff or city marshal of service or posting of copies of said notice and resolution—which return shall be conclusive as to the matters therein stated—and an affidavit of the publication of said notice and resolution shall be filed with the said justice before or at the time of making said application. And after the publication and service of posting of said notice as aforesaid, the owners and all persons interested in any of the lands sought to

Service of.

Return by
officer, when
and where filed.

Effect of notice.

be taken for said improvement, shall take notice of and be bound by all the subsequent proceedings without further notice, except as herein otherwise provided.

SEC. 243. At the time appointed therefor in said notice and resolution, or at such other time as the proceedings shall be adjourned to by said justice, he shall, upon the application of the city attorney, cause the city marshal or sheriff of the county to make a list of the names of twenty-four disinterested free-holders residing in said city, competent to serve as jurors. From said list the city attorney shall strike off six names, and the owner or owners and persons interested in said lands shall strike off six names, or upon their failing to do so, the justice shall strike off such names for him or them; and thereupon the said justice shall issue a *venire*, directed to the city marshal or sheriff of the county, to summon the twelve persons whose names remain on said list, to appear before said justice at a time and place in said *venire* to be named, not less than three or more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolution; and shall then adjourn the further proceedings in the matter to the return day of said *venire*. Said *venire* shall be served by the city marshal or sheriff, as in other cases of *venire*. Said jurors shall be liable for non-attendance the same as jurors summoned to appear in justices courts, and may be excused for the same causes as jurors in those courts.

SEC. 244. At the time of making the application to the justice for the impaneling of the jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian appointed under the laws of this State; but if there should be no such guardian, or if no such guardian shall appear to represent such infant or incompetent person the justice, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem*, to protect the interest of the person for whom he is appointed.

SEC. 245. If upon the return of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall not be excused or set aside, the justice shall require the marshal or sheriff to summon immediately a sufficient number of other competent free-holders of the city, until a panel of twelve qualified jurors shall be obtained. Each party, and every person having an interest in any of the lands, shall have the right to challenge any juror for cause, and the justice shall determine as to the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolutions, if taken, to determine and award to each person entitled thereto, the just compensation to be allowed for his or her interest in the land so taken.

Copy of notice,
etc., and plat
to be given
jury.

Persons not
named may file
statement.

Jury to
examine
premises.

Justice to
instruct.

Determination
and award of.

Report of

SEC. 246. When the jury shall have been sworn, the city attorney shall deliver to them a copy of the said notice and resolution of the council, and a map or plat of the proposed improvement, showing the location and boundaries of each parcel of land sought to be taken, and its position in relation to adjoining lands. Any person claiming an interest in any of the lands sought to be taken, although not named in said resolution as an owner or party interested, may then file with the justice a statement of his interest in and a description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

SEC. 247. The jury shall then, or at such other time as the justice shall direct, proceed to examine the premises sought to be acquired, and testimony may be produced before them under the direction of the court as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing the testimony the justice shall instruct the jury as to the provisions of this act relating to their duties.

SEC. 248. The jury shall consider upon each parcel of land described in the resolution of the council separately. If they shall find the proposed improvement necessary and that it is necessary to take or use the same for the purpose of said improvement, they shall determine and award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken, they shall estimate the whole damages occasioned thereby; and also any special or particular benefit resulting to the remainder of the premises from the proposed improvement; and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or parcel of land as owners, mortgagees, lessees or otherwise, they shall apportion to each such share of the damages awarded, as shall be just. Damages for taking or using the lands of any deceased person may be awarded to his estate.

SEC. 249. The jury shall make a report of their determination and awards in writing; they shall describe therein, by metes and bounds, or by lot number, each piece or parcel of land which they shall find it necessary to take or use for the purpose of said improvements, and state the whole amount of damages occasioned by taking or using the same, the amount deducted therefrom, if any, for special benefits resulting from the improvement to the remainder of the lot or premises from which the part appropriated is taken, and the net amount awarded as damages and compensation therefor, the name of the owner, and of any other persons having separate claims thereon by mortgage, lease or otherwise, to whom said damages are awarded and the amount awarded to each, and the date and description of any mortgage, lease or lien, by virtue of which such claim is made. But for right of way for sewers, only actual damages shall be awarded. When conflicting

claims are made to any damages awarded, the jury, without deciding between the claimants, shall report the fact, their names and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. If nine or more jurors concur in a verdict, then such verdict shall stand as valid and binding, the same as if agreed to unanimously. Said report, signed by each juror, shall be returned to the justice within ten days after the impaneling of the jury.

SEC. 250. The city attorney shall give such assistance to the jury in making up their report as they may require. The justice shall enter said report, and all proceedings had in the cause before him, in his docket.

Duty of city
attorney.
Of justice.

SEC. 251. A disagreement of the jury, as to one or more distinct parcels of land, shall not affect the awards and reports in which they have agreed; and upon such agreement, the justice may, upon the motion of the city attorney, impanel a new jury in the same manner as provided for drawing the original jury; and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree; and a new jury may in like manner be had as often as necessary. If any juror, during the course of the proceedings, shall be unable to discharge his duties, the justice may appoint another in his place, who shall have the like qualifications, and be sworn and exercise the same duties as the other jurors of the panel.

Disagreement
of jury.

Appointment
in place of
jurors unable
to discharge
duties.

SEC. 252. Upon filing the report and award made by any jury with said justice, a copy thereof may be taken by the city attorney for the use of the council; and at any time thereafter, and within forty days after the impaneling of the jury making the report, the justice upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and award shall be at an end and a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom, within the time prescribed in the next section.

Copy of report.

Judgment of
confirmation.

When not
made within
forty days.

SEC. 253. Any party aggrieved by the judgment of confirmation mentioned in the preceding section may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the justice a claim of appeal, in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein, and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond to the city, in a penal sum of not less than three hundred dollars,

Appeal to cir-
cuit court.

with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect and pay any costs that may be awarded against him in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal.

Bill of exceptions.

SEC. 254. At the time of filing said claim of appeal the appellant shall present to the justice a statement, in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof and of the claim of appeal upon the city attorney who may propose amendments to said bill. Within ten days after said bill is presented, said justice shall, if necessary, cause the same to be corrected according to the facts of the case, and sign the same; and within ten days thereafter said justice shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal and said bill of exceptions, and file the same with the clerk of said circuit court.

Correction of by justice.

Filing of transcript.

When court shall remand case.

SEC. 255. Upon filing the return of the justice as mentioned in the preceding section, the circuit court shall have jurisdiction of the case; and upon the hearing thereof shall first consider the errors alleged in said claim of appeal, and if the proceedings are found invalid as to the party appealing, on account thereof, the court shall remand the case so far as affects the appellant to said justice, and a new jury may be called and the like proceedings had as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term, upon the question as to the amount of damages to be awarded; but the finding of the jury before the justice as to the necessity of taking the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal.

When parties may proceed to trial.

Appeal of one person not to affect others.

Judgment.

SEC. 256. Upon any dismissal of the appeal or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and right of the city to take and appropriate the land of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least ten dollars more than the amount awarded to him before the justice, he shall pay costs to the city, otherwise the court shall award such costs to him as shall be just.

Costs.

SEC. 257. Certified copies of any judgment of confirmation of the circuit court or of the justice of the peace, after the same has become final and of the report of the jury thereby confirmed, and records of such copies made in the book of street records in the office of the city clerk, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired, and to confirm the same.

Record and copies of judgment, evidence.

SEC. 258. Within six months after the judgment of confirmation by the circuit court or after the judgment of confirmation by the justice shall become final, the council may take or tender to the respective persons the several amounts of damage and compensation awarded to them, as finally confirmed. And in case any such person shall refuse the same, be unknown, or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case with a statement of the facts relating thereto, in the treasury of the city, to the credit of the person or persons entitled thereto, and the same shall be paid on demand to any person entitled to receive it. No delay in making any awards of damages, or in taking possession of any property, shall be occasioned by any doubt as to the ownership of the property or as to the interest of the respective parties making claims thereto.

Damages payment of.

Where deposited in certain cases.

Doubt not to cause delay.

SEC. 259. Upon the payment, tender, or deposit mentioned in the preceding section, the fee of the land sought to be taken, with the appurtenances, and the right to occupy the property sought to be used, shall vest in the city, and the council may convert and use the same. A certificate of the city treasurer of such payment, tender or deposit, or a record of such certificate in the book of street records, or a certified copy thereof shall be presumptive evidence of the matters therein stated, and of the ownership of the city in the lands and property taken.

When title to vest in city.

Evidence of ownership.

SEC. 260. In all cases where any real estate, subject to a lease or agreement shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation in the circuit court, or upon the confirmation by the justice when the same shall become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

Effect of judgment upon leases.

FINANCES AND TAXATION.

SEC. 261. The fiscal year of said city of Adrian shall commence on the third Monday in March in each year, unless otherwise provided by ordinance.

Fiscal year.

SEC. 262. The council of said city shall have authority, within the limitations herein prescribed, to raise annually, by taxation within the corporation, such sums of money as may be

Authority of council to raise money by taxation.

	necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers in this act granted.
Divisions of revenue raised by general tax.	SEC. 263. The revenues raised by general tax upon all the property in the city, or by loan to be repaid by such tax, shall be divided into the following general funds:
Fund, contingent.	<i>First</i> , Contingent Fund.—To defray the contingent and other expenses of the city for the payment of which from some other fund, no provision is made;
Fire department.	<i>Second</i> , Fire Department Fund.—To defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;
General street.	<i>Third</i> , The General Street Fund.—To defray the expenses of opening, widening, extending, altering, and vacating streets, alleys, and public grounds and for grading, paving, curbing, graveling and otherwise improving, repairing and cleaning the streets, alleys, and public grounds of the city, and for the construction and repair of sidewalks and crosswalks, and for the care thereof;
General sewer.	<i>Fourth</i> , General Sewer Fund.—To defray the expenses of sewers, drains, ditches, and drainage, and the improvement of water-courses;
Bridge.	<i>Fifth</i> , Bridge Fund.—For the construction and maintenance of bridges;
Water.	<i>Sixth</i> , Water Fund.—For constructing reservoirs and cisterns, and providing other supplies of water;
Public building.	<i>Seventh</i> , Public Building Fund.—For providing for public buildings and for the purchase of land therefor, and for the erection, preservation, and repair of any such public buildings, city hall, offices, prisons, watch-houses and hospitals as the council is authorized to erect and maintain, and not herein otherwise provided for;
Police.	<i>Eighth</i> , Police Fund.—For the maintenance of the police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city;
Poor.	<i>Ninth</i> , Poor Fund.—For the support, maintenance and relief of the poor;
Interest and sinking.	<i>Tenth</i> , Interest and Sinking Fund.—For the payment of the public debt of the city and the interest thereon;
Cement sidewalk.	<i>Eleventh</i> , A Cement Sidewalk Fund.—For the purpose of providing for the construction of cement sidewalks and defraying such part of the expense as the city may determine shall be paid by the city;
Other general funds.	<i>Twelfth</i> , Such other general funds as the council may from time to time constitute not inconsistent herewith.
Division of revenue raised in special districts.	SEC. 264. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds:
Street district fund.	<i>First</i> , A Street District Fund for each Street District.—For the defraying the expense of grading, improving, repairing,

and working upon the streets therein, and for the payment of all street expenses which the council shall charge upon the street district;

Second, A District Sewer Fund for each Main Sewer District. Sewer district fund.
—For the payment of the costs and expenses of sewers and drainage in and chargeable to the main sewer district, when the city shall be divided into such districts;

Third, Special Assessment Funds.—Any money raised by special assessment levied in any special assessment districts or special sewer district to defray the expenses of any work, paving, improvement, or repairs or drainage therein, shall constitute a special fund for the purpose for which it was raised. Special assessment fund.

SEC. 265. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section two hundred sixty-three of this act are constituted (exclusive of taxes for school and school-house purposes), shall not, except as herein otherwise provided, exceed in any one year one and three-fourths per cent on the assessed value of all the real and personal property in the city made taxable by law. Aggregate amount council may raise by general tax.

SEC. 266. The council may also raise by tax in each street district, for defraying the expenses of working upon, improving and repairing and cleaning the streets of the district, and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in one year one-fourth of one per cent on the assessed value of the taxable real and personal property in the district. Amount in each street district.

SEC. 267. In addition to the above amounts, the council may raise, by special assessment in sewer districts and special assessment districts, for the purpose of grading and paving, curbing, graveling and otherwise improving the streets, and for constructing sewers and drains, and making other local improvements chargeable upon the lands and property in the district, according to frontage or benefits, and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as they shall deem necessary, but not exceeding in any one year five per cent on the assessed value of the property in the sewer district or special assessment district, as the case may be, as shown by the last preceding assessment rolls of the city. Amount in sewer and special assessment districts.

SEC. 268. A tax or assessment of not more than two dollars per year may be levied upon each lot or premises drained by a private sewer or drain leading into any public drain or sewer. Tax for use of public sewer.

SEC. 269. The council may also raise such further sum annually, not exceeding three mills on the dollar, of the assessed valuation of the property in the city, as may be necessary to provide an interest and sinking fund to pay the funded debts of the city and the interest thereon. Tax to provide for interest and sinking fund.

Estimates of
expenditures.

SEC. 270. It shall be the duty of the council to cause estimates to be made in the month of September in each year of all expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due or for lands to be acquired, buildings to be erected or repaired, bridges to be built, and for the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire departments, and for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds during such fiscal year; and also, to estimate the amounts that would be required to be expended from street district funds during the next fiscal year, in working upon, improving, and repairing the streets in the several street districts of the city.

Determination
of amounts
to meet de-
ficiencies.

SEC. 271. The council shall also in the same month determine upon the amount required to be raised in the next general tax levy to meet any deficiencies for the current year; and also the amount or part of any special assessments which they require to be levied or re-assessed in the next general tax rolls of the city upon lands in any main sewer or special assessment district, or upon any parcel of land, or against any particular person as a special assessment.

Annual appro-
priation bill.

SEC. 272. The council shall also in the said month of September pass a resolution to be termed the annual appropriation bill, in which they shall make provision for and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year payable from the several general funds, and from the street district funds as estimated and determined upon, as provided in section two hundred seventy of this act, and order the same, or so much of such amounts as may be necessary, to be raised by tax with the next general tax levy, or by loan, or both, and to be paid into the several general funds and street district funds of the city; but the whole amount so ordered to be raised by tax or loan, or both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections two hundred sixty-five, two hundred sixty-six and two hundred sixty-nine of this act, to raise by general tax during the year. The council shall specify in such resolution the object and purpose for which such appropriations are made and the amount appropriated for each object or purpose, and to each of the general funds and street district funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment, or other sum which they require to be levied or re-assessed with the next general tax as mentioned in section two hundred seventy-one of this act, and the disposition to be made of such moneys; and may also designate in

said bill any local improvements which they may deem advisable to make during the next fiscal year, to be paid for in whole or in part by special assessments, and the estimated cost thereof.

SEC. 273. All sums ordered in the annual appropriation bill in any year to be raised for the several general funds, and all amounts reported to the council by the board of education, to be raised for schools, library and school-house purposes; shall be certified to the clerk of the board of supervisors of the county on or before the first Monday of October. And all sums ordered in said bill to be levied or re-assessed in street or sewer districts or by special assessments, shall be certified at the same time to the supervisors of the respective wards, as provided in this act; and all sums shall be levied and collected with the State and county taxes next thereafter to be levied in the city.

Sewers ordered, when and to whom certified.

SEC. 274. After the passage of the annual appropriation bill, no further sums shall be used, raised or appropriated; nor shall any further liability be incurred for any purpose, to be paid from any general fund or street district fund, during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a majority of the electors voting upon the proposition at the next annual city election. But this section shall not prohibit the council from making any necessary repairs or expenditure at a cost not exceeding ten thousand dollars, the necessity for which is caused by casualty or accident, happening after making the annual appropriation for the year, and from loaning the money therefor.

No further sums raised, except as herein provided.

SEC. 275. No improvement, work, repairs, or expense, to be paid out of any general fund or street district fund, excepting as herein otherwise provided, shall be ordered, commenced, or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor in the last preceding annual appropriation bill; nor shall any expenditure be made or liability be incurred in any such year for any such work, improvement, repairs, or for any purpose, exceeding the appropriation so made therefor; nor shall any expenditure be made, or money paid out of any general or street district fund, for any purpose, unless appropriated for that purpose in said bill.

Improvements are limited by appropriations.

SEC. 276. No work or improvement to be paid for by special assessment, costing more than three thousand dollars, shall be ordered commenced, or contracted for; nor shall any assessment be levied therefor, in any year, unless the intention to make such improvement or expenditure, and to defray the cost thereof by special assessment, was set forth in the preceding annual appropriation bill, except by a two-third vote of the aldermen elect.

Limit to cost of certain improvements not specified.

Taxes levied
before com-
mencement
of work.

SEC. 277. No public work, improvement, or expenditure shall be commenced, nor any contract therefor be let or made, unless herein otherwise provided by the council until a tax or assessment shall have been levied to pay the cost and expenses thereof, and no such work or improvement shall be paid for, or contracted to be paid for, except from the proceeds of the tax or assessment thus levied.

Certain funds
raised partly
by loan.

SEC. 278. Instead of levying a tax for the whole amount authorized by this act to be raised in that manner in any year for the purpose of the general and street district funds, the council may, in its discretion, raise a part thereof by tax and a part thereof by loan: *Provided*, That the aggregate amounts of taxes and loans so made, shall not exceed the amount for which a tax might be levied for the same year. The city council shall have no power to contract any debt, or incur any expense or liability, or make any expenditure or contract in any fiscal year, the aggregate amount of which debt, liability or contract shall, together with the current annual expenses, exceed the amount which might be raised by taxation for general city purposes from the assessed property of said city in said year, unless first authorized so to do by a vote of the electors of said city.

Proviso as to
amount.

Loan in antici-
pation of re-
ceipts.

SEC. 279. The council shall also have authority to raise moneys by loan in anticipation of the receipts from special assessments for the purpose of defraying the costs of the improvement for which the assessment was levied. Such loan shall not exceed the amount of the assessment for the completion of the whole work.

Greater sums
may be author-
ized by electors.

SEC. 280. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of ground therefor, or for other public improvements or purposes to be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this act, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of the electors voting upon the question at an annual city election. The amount that may be voted or raised in any year under the provisions of this section, shall not exceed two per cent of the assessed valuation of the property in the city as shown by the last preceding tax rolls made therein.

Limit of
amount.

Ordinance
submitting
question
to vote of
electors.

SEC. 281. The proposition to raise such additional amounts shall be submitted to a vote of the electors made by an ordinance or resolution of the council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such ordinance or resolution shall be passed and published in one or more of the newspapers of the city, and copies thereof posted in five of the most public places in each ward of the city at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

Notice.

Ballot.

SEC. 282. All moneys and taxes raised, loaned or appropriated for the purpose of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received, and to none other; nor shall the moneys belonging to one fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund at the close of any fiscal year. In such case the surplus may be transferred to the sinking fund, should there be a deficiency in that fund, otherwise the council may apply such surplus as they shall deem proper. Moneys not received or appropriated for any particular fund shall be credited to the contingent fund.

Moneys raised for any fund to be ordered to such fund.

When surplus may be transferred.

Contingent fund.

SEC. 283. No money shall be drawn from the treasury, except in pursuance of the authority and appropriation of the council, and upon the warrant of the clerk, countersigned by the mayor. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund.

How money drawn.

SEC. 284. No warrant shall be drawn upon the treasury, after the fund from which it should be paid has been exhausted; nor when the liabilities outstanding, and previously incurred and payable from such fund, are sufficient to exhaust it. Any warrant, draft, or contract, payable by the provisions of this act from any particular fund, excepting bonds given for loans herein authorized, and issued or made after such fund has been exhausted by previous payments or by previous liabilities payable from such fund, shall be void as against the city.

When warrants not to be drawn.

SEC. 285. No loans shall be made by the council, or by its authority, in any year exceeding the amounts prescribed in this act. For any loans lawfully made, the bonds of the city may be issued, bearing a legal rate of interest. A record showing the dates, numbers, and amounts of all bonds issued, and when due, shall be kept by the city clerk. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as to merely change, but not increase the indebtedness of the city.

Loans and bonds.

SEC. 286. Immediately upon the close of the fiscal year the council shall audit and settle the accounts of the city treasurer and other officers of the city, and the accounts also as far as practicable, of all persons having claims against the city, or account with it not previously audited; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amounts of all taxes raised during the preceding year for all purposes, and the amount collected on each; and the amount of money borrowed, and upon what time and terms, and for what purpose; also the items and amounts received from all other sources during the year, and the objects

Auditing accounts.

Annual financial statement.

thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and item of all indebtedness outstanding against the city, and to whom payable, and with what rate of interest, the amount of salary or compensation paid or payable to each officer of the city for the year, and such other information as shall be necessary to a full understanding of all the financial concerns of the city.

Statement,
where filed.

SEC. 287. Said statement, signed by the mayor and clerk, shall be filed in the office of the city clerk, and a copy thereof published in one or more of the newspapers of the city, at least five days previous to the next annual city election.

Private use of
public money
prohibited.

SEC. 288. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the corporation or any board thereof to his own use, or shall, directly or indirectly and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property may have been appropriated or received, or to any purpose not authorized by law, he shall be deemed guilty of wilful and corrupt malfeasance in office, and may be prosecuted, tried, and convicted thereof, and on conviction, may be punished by fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the State prison for a period not exceeding three years, or both, in the discretion of the court.

Penalty.

ASSESSMENT AND COLLECTION OF TAXES.

Supervisors to
make assess-
ments.

SEC. 289. The supervisors of said city shall, in each year, make and complete an assessment of all the real and personal property within their respective wards liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner and within the same time as required by law for the assessment of property in the townships of the State, and in so doing, they shall conform to the provisions of law governing the action of supervisors of townships performing like services, and in all other respects within their respective wards, they shall, unless otherwise in this act provided, conform to the provisions of law applicable to the action and duties of supervisors in townships in the assessment of property, the reviewing and levying of taxes, and in the issuing of warrants for the collection and return thereof.

Action in case
of claim of
exemption.

SEC. 290. If any person residing in the city a part of the time during the year shall, in the opinion of any supervisor, unjustly or falsely claim exemption from taxation therein on the ground that he or she has a residence, and is taxed or liable to taxation elsewhere than in said city, the supervisor shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such assess-

ment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the collector or officer requiring payment of such tax, a receipt duly signed and authenticated by the affidavit of some other collector of taxes, and also by the affidavit of the person charged with the tax, showing that such person has paid a tax upon all of the same property for the same year to such other collector or receiver of taxes.

SEC. 291. All personal property found in any ward may be assessed therein, whether the owner thereof resides in such ward or elsewhere. If there shall be any doubt as to the ward in which any person should be assessed for personal property belonging to such person, the board of review hereinafter mentioned may direct as to the ward in which the assessment shall be made, and any assessment so made shall be conclusive as to the liability of such person to be assessed in such ward for said property.

Personal property, when assessed.

SEC. 292. For the purpose of assessing all property equally in the whole city, the supervisors of the several wards shall meet and confer together from time to time, while making their assessments, and equalize their valuations in such manner as may be just. Said supervisors shall complete their said assessment rolls on or before the fourth Monday in May of each year, and on or before said last mentioned day shall each file the assessment roll for his ward in the office of the city clerk for public examination, and it shall be the duty of the city clerk within the five days preceding last mentioned date to cause a notice to be published in each daily newspaper published and circulating in said city, stating that the assessment rolls for the several wards of said city will be on file in his office, subject to public examination, from the fourth Monday in May to the first Monday in June, which said notice shall also be continued in the next two regular publications of each of said papers published thereafter. Said rolls shall remain in the office of said clerk subject to examination by the public until the meeting of the board of review in this act provided, when they shall be delivered to said board by the city clerk.

Supervisors to equalize assessments.

When roll shall be completed.

Where filed.

Notice.

Rolls to be delivered to board of review.

SEC. 293. The board of review provided in section seventy-seven of this act shall constitute a board of review of the general assessment rolls of the several wards of said city, a majority of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day. They shall have power and it shall be their duty to examine said assessment rolls, and they shall have authority to and shall correct any errors or deficiencies found therein, either as to the names, valuations or descriptions; and of their own motion or on cause shown and without notice to the parties save as herein provided, may reduce or increase the valuation of any property found on said rolls, and to add thereto any taxable property in said city that may have been omitted therefrom,

Board of review same as in section 77.

Shall examine rolls. Powers.

	and to value the same and to strike from said rolls any property wrongfully thereon, and generally to perfect said rolls in any respect by said board deemed necessary and proper, and in addition to the powers herein conferred shall have all powers of boards of review in townships. The members of said board shall each receive for their services the sum of two dollars and fifty cents (\$2.50) for each day actually employed.
Meeting of the board, when and where.	SEC. 294. The said board shall meet on the first Monday in June in each year at the council room in said city at nine o'clock in the forenoon, notice of which meeting shall be given by the city clerk at least two weeks prior to the time of meeting by publishing a notice thereof in one or more newspapers of said city, and also by posting the same in three public places in each ward in said city. Said board shall select one of their number as chairman and one as secretary of said board, and shall continue in session at least four days successively and as much longer as may be necessary to complete the review, and at least six hours in each day during said four days or more, and any person desiring to do so may examine his, her or their assessment on said rolls, and may show cause if any exist, why the valuation thereof should be changed, and the said board shall decide the same, and their decision shall be final. They may examine, on oath, any person touching the matter of his or her assessment, and the chairman or any member of said board may administer oaths. The secretary of said board shall keep a record of their proceedings, and all changes made in said rolls, and said board shall also enter or cause said changes to be entered in the proper columns of said rolls, which record shall be upon final adjournment of said board filed in the office of the city clerk. The decision of a majority of the members of said board upon all questions shall govern. The rolls as prepared by the several supervisors shall stand as approved and adopted as the act of the board of review, except as changed as herein provided. After said board of review shall have completed the revision of said rolls, they shall endorse thereon a certificate signed by at least a majority of them, to the effect that the same is a general assessment roll of the ward to which it applies for the year in which it has been prepared, as approved by the board of review. Such certificate may be in the following form:
Officers.	
Length of session.	
Any person may appear before board.	
Decision of board to be final.	
May examine on oath.	
Secretary to keep record of proceedings.	
Majority to govern.	
Certificate.	
Form of certificate.	

STATE OF MICHIGAN, }
 County of Lenawee, } ss.

We do hereby certify that the within is the assessment roll of the — ward of the city of Adrian as approved by the board of review for the year —.

Dated, _____.

Board of Review.

Upon the completion of such rolls and their endorsement in manner aforesaid they shall be returned to the several supervisors, and shall conclusively be presumed by all courts and tribunals to be valid, and shall not be set aside except for causes mentioned in the general laws of this State relating to the assessment of property and the levy and collection of taxes thereon. The omission of such endorsement, however, shall not affect the validity of any such roll.

When rolls to be returned to supervisors.
 Rolls to be deemed valid.

SEC. 295. On or before the first Monday in October in each year, the city clerk shall certify to the county clerk of the county, the aggregate amount of all sums which the council require to be raised for the year for all city purposes, and for schools and library and school-house purposes, by general taxation upon all the taxable property of the whole city.

Certificate to county clerk of amount.

SEC. 296. Said county clerk, as clerk of the board of supervisors of the county, shall apportion the amount to be raised, as mentioned in the preceding section, among the several wards of the city according to the valuation of the property appearing upon the assessment rolls of the several wards of the city for such year, as equalized by the board of supervisors, and certify to the supervisors of the several wards of said city, for assessment therein, the amount so apportioned to their respective wards, giving the amount apportioned for school and library and school-house purposes, in a separate sum, within five days after the board of supervisors of the county shall have completed the equalization of the valuation of the property in said wards and townships of the county for the year. Said clerk of the board shall also certify to the city clerk the amounts apportioned to the several wards respectively as aforesaid.

Apportionment to wards by county clerk.

Certificate to city clerk.

SEC. 297. On or before the first day in October in each year, the city clerk shall certify to the supervisor of each ward, for the assessment therein, all amounts which the council require to be assessed or re-assessed in any street district, main or special sewer district or other special assessment district, or upon any parcel of land, or against any particular person, as a

Clerk's certificate of amounts to be assessed in special districts.

special assessment or otherwise, within his ward, together with a designation of the district or description of the land, or person, upon or within which the several sums are to be assessed or re-assessed, with such further descriptions and directions as will enable the supervisor to assess the several amounts upon the property and persons chargeable therewith.

Time and manner of levying tax and making roll.

SEC. 298. Each supervisor, at the time of levying State and county taxes in his ward for the year, shall levy in the same roll, upon all the taxable property in the ward, the amount certified to him by the clerk of the board of supervisors, as provided in section two hundred ninety-six of this act, to be raised for city, school and library purposes, placing the city taxes in one column, and the school, library, two-mill, and school-house taxes in another column; and he shall also levy, in the same roll, upon the lands, property, and persons chargeable therewith, all special assessments and sums reported to him by the city clerk as provided in section two hundred ninety-seven of this charter or elsewhere in this act, for assessment or re-assessment in street districts, main or special sewer districts, or for other special assessments, placing all such taxes in a column of special assessments and shall place the State and county taxes in other columns. The amount of the several taxes so levied upon each valuation shall be carried into another column, and a collection fee of five per cent on the tax entered in another column, and aggregate of taxes and fees shall be carried into the last column of the roll.

Supervisor's certificate.

SEC. 299. The supervisors, upon completing their rolls, shall certify to the city treasurer the amounts of taxes levied in their respective rolls for State and county purposes, and to the city clerk the amounts levied therein for city and school taxes, special assessments and other purposes, and for collection fees; and he shall charge the amount thereof to the city treasurer. The city treasurer shall give bonds to the county treasurer in the same manner as township treasurers are required to do; and thereupon, and on or before the first Monday in December, the several supervisors shall deliver certified copies of the tax rolls, with the taxes extended therein as aforesaid, to the city treasurer, with their warrants for the collection of the taxes therein annexed thereto.

Collector's bonds.

Copies of rolls, etc., to whom delivered.

Contents of warrants.

SEC. 300. The warrants annexed to each roll shall state the several amounts levied therein to be paid into the city and county treasuries respectively; and shall command the city treasurer to collect from the several persons named in the said roll the several sums named in the column thereof opposite their respective names, remitting upon all taxes paid before the first day of January next thereafter, the percentage added for collection fees, and to pay over and account for all moneys collected and specified in the roll as in said warrant directed on or before the first day of February then next; and the

warrant shall authorize the treasurer, in case any person shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

SEC. 301. All taxes levied in any ward tax roll shall be and remain a lien upon the lands upon which they are levied until paid. Taxes a lien.

SEC. 302. Upon receiving the several tax rolls as above provided, the city treasurer shall give notice immediately to the taxpayers of the city that such rolls have been delivered to him, and that the taxes therein levied can be paid to him at his office at any time before the first day of January then next, without charge for collection; but that five per cent collection fees shall be charged and collected upon all taxes remaining unpaid on said first day of January. Said notices shall be given by publishing the same twice in one or more of the newspapers of the city, and by posting copies thereof in three public places in each ward of the city; and it shall be the duty of the treasurer to be at his office at such times previous to the said first day of January as the council shall direct, and there receive payment of such taxes as may be offered to him. He shall remit the collection fees upon all taxes paid to him before the said first day of January; but in all other cases he shall collect both the tax and the percentage for collection added in the roll. All such percentage for fees collected by him shall be paid into the city treasury to the credit of the contingent fund, and a statement thereof shall be filed with the city clerk, who shall charge the treasurer with the amount thereof. Collector's notice.

SEC. 303. For the collection of all taxes remaining unpaid on the first day of January, the city treasurer shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships, and shall for that purpose have all the powers and authority conferred by law upon township treasurers for such purposes, and shall, when necessary, enforce the payment of the tax against any person by distress and sale of his or her goods and chattels if any such can be found anywhere within the county. How given.

SEC. 304. The county treasurer may issue new warrants to the city treasurer for the collection of taxes in the same manner and in the same case and with the same effect as such new warrant may be issued to township treasurers. The city treasurer may, and it shall be his duty to proceed by suit in the name of the city, for the collection of unpaid taxes in the same cases and under like circumstances in which township treasurers are authorized to proceed in that manner; and all the provisions of law applicable to suits and the evidence therein brought by township treasurers in the name of their township for such purposes, shall apply to suits brought by the city treasurer as aforesaid. Fees.

SEC. 305. For the purpose of assessing and levying taxes in said city of Adrian for State, county, school, and library purposes, each ward shall be considered the same as a township, Percentage.

Taxes, how collected after January 1st.

Issue of new warrants.

Suit for collection.

Wards considered as townships.

and all provisions of law relative to the collection of taxes levied in townships shall apply to the collection of taxes levied and assessed by the supervisors in such city, except as herein otherwise provided. For the purpose of collecting taxes and returning property for non-payment thereof, the city treasurer shall perform the same duties and have the same powers as township treasurers, except as herein otherwise provided.

Power of city treasurer.

Return and sale of lands.

SEC. 306. The city treasurer shall, within one week after the time for that purpose specified and directed in said warrants, pay to the county treasurer the sums required in said warrants to be so paid, either in delinquent taxes or in funds then receivable by law, and all lands upon which any unpaid tax shall be returned, shall be sold therefor the same as lands returned for delinquent taxes by township treasurers.

Delinquent taxes.

SEC. 307. All the provisions of law respecting delinquent taxes levied in townships shall apply to all taxes and special assessments levied in said city, and be returned as delinquent to the county treasurer; and the city, in respect to such taxes and assessments levied therein and returned to the county treasurer as delinquent, shall, except as herein otherwise provided, be considered and treated as a township; and all provision of law for the sale of lands for the payment of taxes levied for State, county, and township purposes, and returned delinquent, shall apply to the return and sale of property for the non-payment of delinquent taxes and special assessments levied in said city, except as herein otherwise provided.

FIRE DEPARTMENT.

Establishment and maintenance of.

SEC. 308. The council of said city shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department. To organize and maintain fire companies, to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employés, firemen, and officers thereof; and for the care and management of the engines, apparatus, property, and buildings pertaining to the department; and prescribing the powers and duties of such employés, firemen, and officers.

Fire engines, reservoirs.

SEC. 309. The council may purchase and provide suitable engines and such other apparatus, instruments and means for the use of the department as may be deemed necessary for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds, and other suitable places in the city; and make all necessary provisions for a convenient supply of water for the use of the department.

SEC. 310. The council may also provide, or erect, all necessary and suitable buildings for keeping the engines, carriages, teams, and fire apparatus of the department. Engine houses.

SEC. 311. The engineer of the fire department shall be the chief of the department and subject to the direction of the mayor, shall have the supervision and direction of the department and the care and management of the fire engines, apparatus and property, subject to such rules and regulations as the council may prescribe. And the council may appoint such a system of engineers and other officers of the department as may be necessary. Engineer and his duties. Assistant.

SEC. 312. The fire engineer, mayor, chief of police, and any alderman or officer of the fire department, may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of the property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order, may arrest or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished; and in addition thereto he shall be punished in such manner as may be prescribed by the ordinance of the city. Authority of officers at fires.

SEC. 313. The council may provide by ordinance for the appointment of, and may appoint such number of fire wardens as may be deemed necessary; and for the examination by them, from time to time, of the stoves, furnaces, and heating apparatus and devices in all the dwellings, buildings, and structures within the city, and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition. Fire wardens and their duties.

SEC. 314. The council may prescribe by ordinance, from time to time, limits or districts within the city, within which wooden buildings and structures shall not be erected, placed, or enlarged; and to direct the manner of constructing buildings within such districts, with respect to protection against fire and the material of which the outer walls and roofs shall be constructed. Fire limits.

SEC. 315. The council may also prohibit within such places or districts as they shall deem expedient the location of shops; the prosecution of any trade or business; the keeping of lumber yards; and the storing of lumber, wood, or other easily inflammable material in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils, and other combustible and explosive substances and the use of lights in buildings; and, generally, may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires. Location of shops, lumber yards, etc. Storing gunpowder.

SEC. 316. Every building or structure which may be erected, placed, enlarged, or kept in violation of any ordinance or regulation made for the prevention of fires, is hereby What buildings declared a nuisance.

declared to be a nuisance, and may be abated or removed by the direction of the council.

Compensation
of firemen.

SEC. 317. The officers, firemen, and employes of the department shall receive such compensation as the council may prescribe; and during their term of service shall be exempt from serving on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person or property in consequence of the performance of his duty at any fire.

Destroying
buildings in
case of fire.

SEC. 318. The engineer in charge of the department at any fire, with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed when deemed necessary, in order to arrest the progress of the fire, and no action shall be maintained against any person or against the city therefor, but if any person having an interest in the building shall apply to the council within three months after the fire, for damages or compensation for such building, the council may, in their discretion, pay him such compensation as may be just. They may ascertain such damage by agreement with the owner, or by the appraisal of the jury to be selected in the same manner as in case of juries to apprise damages for taking private property for public use; and the council may cause the amount of any damages determined upon to be defrayed by a special assessment upon the property which in their opinion was protected or benefited by the destruction of such building; but no damages shall be paid for the amount of any loss which would probably have occurred to such if it had not been pulled down or destroyed.

Compensation
for buildings
so destroyed.

MISCELLANEOUS.

Service of
process.

SEC. 319. All process against the city shall run against the city in the corporate name thereof, and may be served by leaving a certified copy with the mayor, city clerk, or city attorney, at least ten days before the appearance mentioned therein.

Regulations as
to laying out
and platting
additions, etc.

SEC. 320. No lands or premises shall hereafter be laid out, divided, and platted into lots, streets, and alleys within the city, except by permission and approval of the council by resolution passed for that purpose; nor until the proprietor shall file with the city clerk a correct survey, plan, and map of such grounds and the subdivisions thereof, platted and subdivided as approved by the council and made to their satisfaction; showing also the relative position and location of such lots, streets, and alleys with respect to the adjacent lots and streets of the city; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in any office of register of deeds until a certificate has been endorsed thereon by the city clerk, under the seal of the city, showing that such plat and declaration has been approved by the council; nor shall the city by reason of such approval be responsible for the

improvement, care, and repair of such streets and alleys, excepting such as the council shall accept and confirm by ordinance as provided in section one hundred ninety-two of this act.

EFFECT OF REINCORPORATION

SEC. 321. All the persons in said city heretofore elected or appointed now holding such offices under the former act of incorporation, shall continue to hold their respective offices and to perform the duties thereof for the remainder of the terms for which they were elected or appointed, and until their successors shall have qualified and entered upon the duties of their office, unless herein otherwise provided.

Officers to continue in office.

SEC. 322. Upon the reincorporation of the city of Adrian, under and subject to the provisions of this act, the said city shall succeed to and be vested with all the property, real and personal, moneys, rights and credits and effects, and all the records, files, books and papers belonging to said city as formerly incorporated, and no rights or liabilities either in favor of or against such former corporation existing at the time of its reincorporation, under or subject to the provisions of this act, and no suit or prosecution of any kind shall be in any manner effected by such change, but the same shall stand or progress as if no such change had been made, and all the debts and liabilities of the former corporation shall be deemed to be the debts and liabilities of the new corporation, and all taxes levied and uncollected at the time of such change, shall be collected the same as if such change had not been made:

Laws, regulations, etc., to continue.

All debts to be valid.

Provided, That when a different remedy is given in this act which can be made applicable to any rights existing at the time of the incorporation of said city, under this act the same shall be deemed cumulative to the remedies before provided, and may be used accordingly. The by-laws and ordinances of said city, and the rules and regulations of the council, and the board of health, or other board or boards of said city heretofore in force, and not inconsistent with this act, shall remain in force after the passage of this act, and are hereby declared to be re-enacted by virtue of, and under the powers conferred in this act, until altered, amended or repealed by the council or such board as the case may be.

Proviso.

SEC. 323. In cases where a special assessment has been made by authority of, and confirmed by the council of said city, and the same or some part thereof shall not have been collected when this act shall take effect, said city as hereby reincorporated shall have authority to enforce payment thereof, and the same proceedings may be had therefor as are provided in this act.

Proceedings, etc., to remain valid.

SEC. 324. The first election of officers for said city under the provisions of this act, shall be held on the first Monday in

First election.

Envelopes to
county clerk
and board of
canvassers.

Electors may
accompany
inspectors.

Boxes, etc., to
be delivered to
police.

designated for that purpose directly from such polling place to the office of the city clerk, who shall keep his office open until the returns from all election districts shall have been received, and there delivered by said inspectors to said clerk or one of his deputies, who shall observe whether such envelopes have been tampered with, and shall endorse thereon, over his official signature, the names of the inspectors from whom he received said return, and the time he received the same, and whether the same is in apparent good order, and shall thereupon deposit the same in a safe and secure place in his office; the keys and election seal shall be placed in the proper receptacle until needed, but the returns directed to the board of city canvassers shall not be opened until the meeting of said board, when they shall be delivered to said board by the county clerk. The envelopes to the county clerk and to the board of county canvassers shall be delivered to other inspectors designated for such purpose, who shall proceed directly, but not in company with the inspectors bearing the returns to the city clerk, to the office of the county clerk, who shall keep his office open until the returns from all the election districts shall have been received, and deliver said envelopes to him or to one of his deputies, and said clerk or his deputy shall observe whether the said envelopes so delivered have been tampered with, and on receiving said envelope shall endorse thereon over his official signature, the name of the inspectors from whom they received such returns, and the time of receiving the same, and that the same are apparently in good order, and he shall thereupon deposit the same in a safe and secure place in the office of the county clerk, but the return directed to the board of county canvassers shall remain unopened until the meeting of the board of county canvassers, when the same shall be delivered to said board by the city clerk. Any one or more electors present at the voting place shall have the right to accompany the inspectors designated to so deliver such returns from the polling place to the offices respectively of the city and county clerks, and should said inspectors, or either of them, prevent or attempt to prevent such electors from so accompanying him or them, or evade or attempt to evade such electors, or stop at any place on the way from such polling place to said city or county clerk's office, without apparent necessity therefor, he or they shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished accordingly. Said inspectors, upon returning the ballots to the boxes, and fastening and sealing the same, shall thereupon deliver the same with the unused ballots and a copy of the poll books to a member of the metropolitan police, who shall be sent to the polling place by the superintendent of police for the purpose of receiving the same, and the messenger so sent shall forthwith convey said boxes, poll book and unused ballots to police headquarters, and there deliver the same to said

superintendent, and the said boxes when so received shall be deposited by said superintendent in some safe place and shall remain in the custody of said superintendent for four months thereafter, when the ballots therein may be taken out and destroyed. The poll books shall be placed on file in the office of the superintendent of police, and the unused ballots shall be destroyed as herein provided. The same or another messenger shall receive from the inspectors the registers of electors, election list of electors and other paraphernalia of election, and deposit the same with the city clerk. Whenever within four months any court of competent jurisdiction, board of canvassers or other competent authority shall require such ballot boxes for the purpose of having or making a recount of the ballots therein contained, for one or more candidates, said superintendent shall, upon proper demand or request in writing, send such box or boxes, as may be required by one or more of the metropolitan police to the court or board so entitled thereto, but such box or boxes shall not be taken from the custody of such member or members of the police force, except to open the same and count the ballots therein in his or their presence, and upon such count being made the ballots shall be returned to the box or boxes from which they were taken, duly locked and sealed, and said boxes then be conveyed back by the members in charge to such superintendent.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 323.]

AN ACT to amend section seventeen of chapter seven of act number three hundred and twenty-six of the local acts of eighteen hundred and eighty-three, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith, approved June seventh, eighteen hundred and eighty-three, as amended by act number four hundred and eighty-eight of the local acts of eighteen hundred and eighty-seven."

SECTION 1. *The People of the State of Michigan enact, That* section seventeen of chapter seven of act number three hundred and twenty-six of the local acts of eighteen hundred and eighty-three, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith, approved June seventh, eighteen hundred and eighty-three, as amended by act number four hundred and eighty-eight of the local acts of eighteen hundred and eighty-seven," be amended so as to read as follows:

Ordinances,
records, etc.,
to be deposited
with city clerk.

Journal to be
bound.

Printed journal
made evidence.

SEC. 17. All ordinances, resolutions and written proceedings of the common council shall be deposited in the office of the clerk of the city, who shall safely keep the same. The city clerk shall cause a journal record of the proceedings of the common council to be printed on good book paper, which record shall be signed by the clerk and president of the common council. Such printed record shall be preserved by the city clerk as the official record of the proceedings of the common council, and no further record thereof shall be required to be kept. At the close of each year the common council shall cause the said printed record to be substantially bound in one or more volumes. The city clerk shall certify, under his hand and seal of the city, on the frontispiece of the volume, that the said volume contains the whole of the proceedings of the common council purporting to be contained therein. The printed copy of such common council proceedings which shall be published under the authority of the common council shall be admitted as sufficient evidence thereof in all courts and in all proceedings within this State.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 324.]

AN ACT to authorize the village of Munising, in the county of Alger and State of Michigan, to borrow money with which to purchase or construct a water works plant, or any other public improvement, for said village.

May issue
bonds.

To what
amount.

SECTION 1. *The People of the State of Michigan enact*, That the village council of the village of Munising, in the county of Alger, shall be and is hereby authorized to borrow money on the faith and credit of the said village, and issue bonds therefor, to an amount not exceeding thirty thousand dollars (\$30,000.00), which shall be expended for the purchase or construction of a water works plant, or any other public improvement, for the use of said village, under such rules and regulations as said village council shall prescribe: *Provided*, That two-thirds of the electors of said village, voting at an election held in accordance with the provisions of this act, shall vote in favor of the said loan in the manner specified in this act, and not otherwise.

To be sub-
mitted to vote
of electors.

SEC. 2. The question of raising the said money shall be submitted by the village council of the said village to the electors thereof, and the vote shall be taken as near as may be in accordance with the provisions of an act entitled "An act to

provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteenth, eighteen hundred and ninety-five. The village council shall have power to order a special election when it may, by said council, be deemed necessary to carry out the provisions of this act, and the proceedings had at such special election shall be the same as at the general elections held within the said village, except that those electors voting for the said loan shall have written or printed on their ballots the words, "For the loan," and those voting against the loan shall have written or printed on their ballots the words, "Against the loan."

Council may
order special
election.

SEC. 3. If said loan shall be authorized by two-thirds of such electors said bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times with such rates of interest, not exceeding six per centum per annum, as the said village council shall direct, and shall be signed by the president of said village, and countersigned by the clerk of said village, and negotiated by or under the direction of said village council; and the money raised therefrom shall be appropriated in such manner as said village council shall determine, for the purposes aforesaid; and the said village council shall have the power, and it shall be their duty, to raise by taxes upon the taxable property of said village, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

Two-thirds vote
required.

Bonds and
interest to be
paid by tax.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 325.]

AN ACT to empower the school district of Sault Ste. Marie, in the city of Sault Ste. Marie, in Chippewa county to bond itself by vote of its electors according to law, in a sum not to exceed (\$50,000.00) fifty thousand dollars in excess of the maximum amount now allowed by law, for the purpose of purchasing school-house sites, building school-houses and equipping and furnishing the same.

SECTION 1. *The People of the State of Michigan enact, That* the school district of Sault Ste. Marie, in the city of Sault Ste. Marie, in Chippewa county be and the same is hereby empowered and authorized to bond itself by vote of its electors, to be had in accordance with the existing provisions of law, in a sum not to exceed (\$50,000.00) fifty thousand dollars in excess

May issue
bonds on vote
of electors.

Limit.

of the maximum amount now allowed by law, for the purpose of purchasing school-house sites, building school-houses and equipping and furnishing the same.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 326.]

AN ACT to authorize the Midland County Agricultural Society, of Midland county, Michigan, to issue its bonds in the sum of fifteen hundred dollars, to pay the indebtedness of said society and to improve its buildings and grounds.

Midland county
Agricultural
Society to
issue bonds.

Amount.

Proceeds to
be used for
what purposes.

SECTION 1. *The People of the State of Michigan enact*, That the Midland County Agricultural Society be and is hereby authorized and empowered to issue its bonds in the sum of not to exceed fifteen hundred dollars, payable one hundred dollars annually with annual interest at a rate not exceeding six per cent per annum.

SEC. 2. The proceeds from such bonds to be used, first to pay the present past due part paid mortgage now against the property of said society, and the balance to be used in improving the buildings and grounds belonging to said society.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 327.]

AN ACT to amend sections one, two, three, four, five, six, seven, eight, nine, ten, and twelve of act number three hundred and six of the local acts of eighteen hundred and ninety-three, entitled "An act relative to justices courts in the city of Grand Rapids, to reduce the number thereof, and to fix the compensation of such justices, and provide a clerk and offices therefor," approved March twenty-second, eighteen hundred and ninety-three, as amended, and to add ten new sections thereto to stand as sections fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, three, four, five, six, seven, eight, nine, ten

and twelve of act number three hundred and six of the local acts of eighteen hundred and ninety-three, entitled "An act relative to justices courts in the city of Grand Rapids, to reduce the number thereof, and to fix the compensation of such justices, and provide a clerk and offices therefor," approved March twenty-second, eighteen hundred and ninety-three, as amended, be and the same are hereby amended to read as hereinafter set forth, and that ten new sections be added thereto to stand as sections numbered fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three, also to read as hereinafter set forth.

SECTION 1. There shall be two justices of the peace in and for the city of Grand Rapids, who shall be electors of the city and actual residents therein; they shall be attorneys at law, duly admitted to practice their profession in the several courts of this State, and they shall be elected in the manner justices of the peace are now elected in the city. The justices of the peace now holding office in the city shall continue to hold the same until the expiration of their respective terms, and until their successors are elected and qualified. The files, records and dockets appertaining to the offices of former justices of the peace in said city, shall be kept in the office of the clerk herein provided for. Either of the present or future justices is empowered to issue any execution, according to law, upon judgments appearing upon such dockets, as if such judgments had been rendered by him.

Who shall be elected justices.

Present incumbents to hold until end of term.

Records to be kept where.

Execution may be issued on past judgment.

SEC. 2. Justices of the peace in said city, except to fill vacancies, shall be elected at the annual municipal elections held in the city, and shall hold their offices for a term of four years from and after the fourth day of July succeeding their election, and until their successors are elected and qualified.

When elected and term of office.

SEC. 3. The common council of the city of Grand Rapids shall provide such rooms as shall be suitable for use for holding justice courts, and for jury purposes, and an office for the clerk of said courts hereinafter mentioned. Such rooms shall be contiguous to each other. The said common council shall also provide the necessary furniture, fixtures, dockets, books, blanks and stationery for use in the business of said courts, and for the heating and lighting of said rooms.

Council to provide rooms and apparatus.

SEC. 4. Each of the justices of the peace of the city of Grand Rapids shall receive from the treasury of the city an annual salary of twelve hundred dollars, which salary shall be in lieu of all fees, costs and charges, to which said justices would be entitled but for the provisions of this act; except fees for the performance of marriage ceremonies, for taking acknowledgments, and for administering oaths in matters not connected with suits or proceedings in justices courts in said city; such salary shall be paid to said justices in monthly installments, as other officers of said city are paid. Each of said justices shall be in attendance at his office on all days,

Compensation.

When justice shall be in office.

except Sundays and legal holidays, from the hour of nine o'clock in the forenoon until noon, and from the hour of two o'clock until five o'clock in the afternoon.

Clerk to be elected.

Title of clerk and term of office.

Salary.

Proviso.

Deputy to have all the power of clerk.

Clerk may require bond of deputies. Clerk to file bond.

Amount.

Council may remove clerk for cause.

When office of clerk to be open.

Duty of clerk.

SEC. 5. At the first annual municipal election held after the passage of this act, and every two years thereafter at such election, there shall be elected a clerk for said justices of the peace, to be known as "The Clerk of the Justice Courts of Grand Rapids," who shall hold his office for the term of two years from the first Monday in May next succeeding his election and until his successor is elected and qualified. Said clerk shall receive from the treasury of said city an annual salary of ten hundred dollars, to be paid to him in monthly installments, as other officers of said city are paid; he shall have power to appoint one or more deputies and to revoke any such appointment at pleasure: *Provided, however,* That the compensation of such deputy or deputies shall be paid by said clerk and shall not constitute an additional charge or expense to said city.

Any deputy so appointed shall have power to perform all of the duties of said clerk, and said clerk shall be responsible for the acts of any such deputy in respect to the affairs and duties and administration of the office to the same extent as for his own acts. Such clerk may require such bonds or other securities from such deputies as he may deem proper. Before entering upon the duties of his office said clerk shall file in the office of the city clerk of said city a bond approved by the common council of said city in the penal sum of three thousand dollars, with two or more sureties, conditioned that he shall well and truly perform his duties as such clerk, and account for and pay over all moneys which shall be received by him, to the persons lawfully entitled to receive the same. The common council shall have power to remove such clerk at any time for causes provided for in the charter of the city of Grand Rapids.

SEC. 6. The office of said clerk shall be open and said clerk or his deputy shall be in attendance therein, from eight o'clock in the forenoon until noon, and from one o'clock until five o'clock in the afternoon. It shall be the duty of said clerk to assist said justices in the preparation of process and in keeping full and complete dockets of the proceedings by and before each of said justices in the manner provided by law. Said clerk shall also file and safely keep all books and papers belonging to said courts. Said clerk shall also enter in a book the names of all persons who shall sit as jurors in said courts in the trial of causes; such names to be arranged alphabetically, together with the dates that each juror so sat; and a reference to the page of the docket where the proceedings of the trial were entered. The said clerk shall receive all fees, costs, fines and dues of every description that shall become due and payable on account of proceedings in said courts or by or before said justices, except fees for the performance of marriage ceremonies, for taking acknowledgments, and for

administering oaths in matters not connected with suits or proceedings in said justices courts, and shall keep an account of the same, and pay over all such fees, costs, fines, penalties, forfeitures and dues (except such as are by law required to be paid to the clerk of the circuit court for the county of Kent upon the removal of causes from said justices court to said circuit; and such as are by law required to be paid to the county treasurer of said county) to the treasurer of the city of Grand Rapids, for the benefit of said city; such payments to be made weekly. Said clerk shall also receive all other moneys paid into such courts, for or on account of proceedings therein, and shall pay over all such moneys to the person lawfully entitled to the same.

SEC. 7. Before any civil action or proceeding (except proceedings against garnishee defendants) shall be commenced in either of said justices courts, there shall be paid to the clerk of said courts, by the party commencing the same, an entry fee of one dollar, and before the trial of any such action or proceedings shall be commenced, such party shall pay a judgment fee of one dollar; but in case of non-suit before the commencement of trial, no judgment fee shall be required. Proceedings in garnishment shall be treated as part of the principal cause, and no additional fees shall be required therein, except when an issue of fact shall be joined in respect to the liability of a garnishee or garnishees; in such cases a judgment fee of two dollars shall be paid before such trial shall commence. The fees provided for in this section shall be in full for all services and proceedings by and before said justices, to and including the issuing of execution upon judgment therein and shall be taxed in favor of the party paying the same if he be the prevailing party in the suit. For all services and proceedings subsequent to the issuing of the execution, or for the purpose of staying proceedings, or removing causes to an appellate court, there shall be paid to the said clerk the fees provided by law.

Fees to be paid to said clerk.

Fees to be in full for all services.

SEC. 8. Process issued from said justices courts shall be signed by the justice before whom the cause in which such process is issued, has been commenced or is pending; and said clerk shall assign causes to be begun before said justices respectively in regular rotation as nearly as practicable. If upon the return day or adjourned day of any cause, the justice by whom the process therein was issued, shall be absent at the time to which the same is adjourned, or the process therein is made returnable, the other justice in the regular order of issuing writs, if present, shall proceed therein as though it had been originally commenced before him. On the return day of any process, before a justice of the peace to whom the cause has been assigned by said clerk, any party to said cause may have a new assignment of the same by presenting to such justice an affidavit therein, made by such party, his agent or

Process to be signed by justice. How causes assigned.

In case justice be absent on return day.

Cause may be removed if justice be interested.

In case cause is transferred, where docket entries to be made.

attorney, stating that the person making such affidavit has good reason to believe and does believe that the said justice to whom said cause has been assigned is interested in the same or is biased or prejudiced against the party in whose behalf said affidavit is made; and said justice shall thereupon transfer said cause to the other justice in the regular order of issuing writs, if present, who shall proceed therein as if the same had originally been commenced before him. In all cases where causes are transferred from one justice to the other, the docket entries therein shall be made in the docket of the justice by whom the original process shall have been issued. Docket entries of the proceedings had by and before each of said justices shall be made and signed by the justice by or before whom such proceedings were had on the day such proceedings were had.

In case party demands a jury.

SEC. 9. If any party to a cause before either of said justices shall demand a trial by jury he shall pay the fees therefor in advance, and the sum shall be disposed of by the clerk in the manner now provided by law; and the moneys paid for jurors shall be taxed as costs in favor of the party paying the same, if he be the prevailing party in the suit; in addition to such other costs as he may be entitled to recover.

In criminal cases the same fees collected as in townships.

SEC. 10. In criminal cases the same justices' fees shall be collected and in the same manner as in such proceedings before justices of the peace in townships, except that the same shall be received by the said clerk and paid to the treasurer of said city, as provided in civil suits.

It shall be unlawful for justice, etc., to act as attorney. Penalty.

SEC. 11. It shall be unlawful for said justices of the peace or said clerk or his deputy or deputies, to act as counsel, agent or attorney for any party in any matter, suit or proceeding, within the jurisdiction of said courts. A violation of this provision shall be deemed misconduct and shall be sufficient cause for removal from office of the party so violating.

Justices may act as police judge.

SEC. 12. It shall be a part of the judicial duties of said justices of the peace to act in the place of the judge of the police court of Grand Rapids, whenever, from any cause, said judge shall be unable to perform the duties of his office, but in so doing said justices of the peace shall receive no compensation in addition to their regular salaries as such justices of the peace. At the first regular meeting of the common council in each municipal year, it shall designate which one of the justices of the peace shall act in the place of said police judge, whenever from any cause, said judge shall be unable to perform the duties of his office; in such case said justice of the peace shall exercise the power, authority and jurisdiction herein conferred upon said police judge. Such designation shall be made in writing in open session of the common council and shall be entered upon its minutes. The present justices of the peace in the city are hereby invested, for the time being with the power to act in the place of said judge as aforesaid,

Certain justice to be designated to act as police judge.

until their successors are elected and qualified; and immediately upon the passage and taking effect of this act, it shall be the duty of the common council to designate which of said justices of the peace shall so act until the beginning of the municipal year of eighteen hundred ninety-seven, at which time a designation shall be made by the common council for the ensuing municipal year as aforesaid. The justice thus designated shall exercise the power, authority and jurisdiction of said police judge as aforesaid, while acting in his place.

SEC. 13. The said justices of the peace of the city of Grand Rapids shall, as against all other justices of the peace of the county of Kent and State of Michigan, have exclusive jurisdiction of all acts and proceedings within their jurisdiction where both the parties thereto shall, at the time of the commencement of such action or proceeding, be residents of said city. They shall also have a like exclusive jurisdiction, as against all other justices of the peace of said county of Kent, where the original cause of action existed in favor of a resident of said city, but has by him been assigned.

When justices
to have exclu-
sive jurisdic-
tion.

SEC. 14. The justices of the peace of said city shall file their oaths of office in the office of the clerk of the county of Kent, and shall have in addition to the duties conferred by this act on them, the same jurisdiction, powers, and duties conferred on justices of the peace in townships.

Where justice
to file oath of
office.

SEC. 15. It shall be the duty of the justices of the peace of said city to keep their offices in said city, and to attend all complaints of a criminal nature which may properly come before them.

Justice to keep
his office.

SEC. 16. Any justice of the peace of the city may be suspended or removed from his said office by the circuit court for the county of Kent for the unfaithful or insufficient performance of his duties in relation to the internal police of the State, or for any misconduct, or on charges specially preferred by said common council of said city, or of any member or officer thereof, or by three electors of said city, founded on affidavit filed in said circuit court, specifically stating the charges complained of, a copy whereof shall be served upon him in such manner as said circuit court shall direct, and opportunity shall be given him to be heard in his defense.

How justice
may be re-
moved.

SEC. 17. In addition to the security now required by law to be given by justices of the peace, each of the justices of the peace shall, before entering upon the duties of his office, execute a bond to the city of Grand Rapids, with one or more sufficient sureties, to be approved by the mayor of said city, which approval shall be endorsed on said bond, in the penalty of one thousand dollars, conditioned for the faithful performance of his duties as a police justice of said city, and to pay over the money so collected as such police justice to the treasurer of said city within ten days after receipt of the same; and on the last Saturday in each month the said justices of the peace shall

Justices to
file bond.

file with the clerk of said city a report of all the moneys so collected and paid over to the city treasurer.

Dockets and office books to be open to inspection by council.

SEC. 18. All dockets and office books kept by the justices of the peace shall at all times be subject to inspection and examination by the common council, or any member or officer thereof, and it shall be the duty of said justices of the peace to produce such dockets and books at all times, whenever and wherever the said common council shall require or direct; and if they shall neglect or refuse to produce such dockets or office books as directed and required, the circuit judge of the circuit court for the county of Kent may, on a proper application to him for the purpose, make an order requiring the same to be produced, and enforce obedience thereto in the same manner in which other orders by him are enforced.

Justice shall account for money, etc., on hand.

SEC. 19. It shall be the duty of each justice of the peace, at the first regular meeting of the common council in each of the months of August, November, February and May in every year, to account on oath, before the common council, for all such moneys, goods, wares, and merchandise, seized as stolen property, as shall then remain unclaimed in the offices of either of said justices of the peace, and immediately thereafter to give notice once in each week for four weeks, in one of the official newspapers printed in said city of Grand Rapids, to all persons interested or claiming such property: *Provided, always,* That if any goods, wares, merchandise or chattels of a perishable nature, or which shall be expensive to keep, shall at any time remain unclaimed in the offices of either of said justices, it shall be lawful for such justices to sell the same at public auction at such time and after such notice as to him and the common council shall seem proper.

Proviso.

Stolen property to be delivered to owner on receiving satisfactory proof.

SEC. 20. It shall be the duty of each of the justices of the peace aforesaid, who may recover or obtain possession of any stolen property, on his receiving satisfactory proof of property from the owner, to deliver such property to the owner thereof, on his paying all necessary and reasonable expenses which may have been incurred in the recovering, preservation, or sustenance of such property, and the expense of advertising the same.

Unclaimed property to be sold, when.

SEC. 21. It shall be the duty of each of the justices of the peace aforesaid, to cause all property unclaimed after the expiration of the notice specified in section nineteen of this act, money excepted, to be sold at public auction to the highest bidder, unless the prosecuting attorney of the county of Kent shall direct that it shall remain unsold for a longer period, to be used as evidence in the administration of justice, and the proceeds thereof forthwith to pay to the treasurer of the said city of Grand Rapids, together with all money, if any, which shall remain in his hands after such notice as aforesaid, first deducting the charges of said notice of sale.

SEC. 22. The justices of the peace in said city exercising civil jurisdiction, shall be deemed justices of the peace of the county of Kent and shall be subject to the general laws of the State in relation to civil causes before justices of the peace, and appeals from their judgment may be made to the circuit court for the county of Kent, in the same manner as appeals from justices' judgment in towns are made.

Justices of the city exercising civil jurisdiction to be deemed justices of Kent county.

SEC. 23. The justices of the peace of said city shall have all the authority of justices of the peace in towns in criminal matters as well as civil, and shall have all the authority and perform all the duties hereinbefore provided and required of them.

Justices to have authority in criminal matters, etc.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 328.]

AN ACT to vacate the village of Hadley in the county of Lapeer.

SECTION 1. *The People of the State of Michigan enact*, That the village of Hadley, in the county of Lapeer, be and the same is hereby vacated and the organization thereof dissolved and repealed.

Village vacated.

SEC. 2. All debts to be paid from the money in the village treasury and all books, papers, files and other property belonging to said village, shall be deposited in the town clerk's office of the township of Hadley.

What to be deposited in clerk's office of Hadley township.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 329.]

AN ACT regulating the care of poor persons within St. Clair county.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors of St. Clair county may by a majority vote, relieve the county from its liability to render aid and support to temporary poor persons where said county is now liable for said aid and support under act one hundred and forty-eight of the public acts of eighteen hundred and sixty-

Who may relieve county from liability.

nine and amendments thereof, being chapter forty-two of Howell's annotated statutes of Michigan and require each city and township in said county to render aid and support to all temporary poor persons therein, where counties are now required to render aid and support to such temporary poor persons, but the county of St. Clair is in no case to be relieved from the duty of supporting permanent poor persons.

Who to determine as to temporary or permanent poor.

Townships and cities.

SEC. 2. The superintendents of the poor for said county shall determine, when required so to do, whether persons are temporary or permanent poor.

SEC. 3. Townships and cities in said county required to support and maintain their own temporary poor shall be governed by that part of act one hundred and forty-eight of the public laws of eighteen hundred and sixty-nine included within chapter forty-two applicable to the support of the poor by townships being compiler's sections one thousand seven hundred and eighty-six to one thousand eight hundred and nine inclusive, of Howell's annotated statutes of Michigan.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 330.]

A BILL to empower school district number one of the city of Ludington to borrow money and issue bonds therefor.

When may borrow money and issue bonds.

Amount of issue.

Additional authority.

SECTION 1. *The People of the State of Michigan enact*, That school district number one of the city of Ludington, may, by a two-thirds vote of the qualified electors of said district at any annual meeting or at any special meeting called for that purpose, borrow money to pay outstanding orders, bonds and indebtedness, and issue bonds therefor: *Provided*, That the amount of the bonds issued under this act outstanding at any one time shall not exceed twenty-five thousand dollars, and the time of payment of any such bonds shall not be extended beyond fifteen years. The authority herein granted to borrow money and issue bonds is additional to that contained in or to be contained in, the general statute of this State.

This act shall take immediate effect.

Approved March 10, 1897.

[No. 331.]

AN ACT to create the fifth ward and to change the boundaries of the first and fourth wards in the city of Owosso, as provided for under section one (1) of chapter three (3) of act two hundred and fifteen of the public acts of eighteen hundred and ninety-five, being an act entitled "An act to provide for the incorporation of cities of the fourth class," approved May twenty-seventh, eighteen hundred and ninety-five.

SECTION 1. *The People of the State of Michigan enact, That* New wards created.
under the provisions of section one of chapter three, of act two hundred and fifteen of the public acts of eighteen hundred and ninety-five, being an act entitled, "An act to provide for the incorporation of cities of the fourth class," approved May twenty-seventh, eighteen hundred and ninety-five, there shall Fifth ward.
be a new ward created in the city of Owosso, Michigan, to be known as the fifth ward, which shall constitute the following territory: All of that portion of the fourth ward west of a line drawn from Main street in said city, south through the center of Cedar street to the south line of said city, and south of Main street; and that portion of territory of the first ward south and west of Shiawassee river, which lies west of a line drawn north and south through the center of Cedar street, commencing at Main street and extending north to the Shiawassee river in said city.

SEC. 2. The first ward of the city of Owosso shall constitute First ward.
the following territory: All of that territory of the first ward now in the city of Owosso east and north of Shiawassee river and which lies north of Main street in said city, and west of Washington street.

SEC. 3. The fourth ward shall constitute all of the fourth Fourth ward.
ward now in the city of Owosso lying east of the center of Cedar street and all of the first ward of said city lying south and west of the Shiawassee river and east of Cedar street.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 332.]

AN ACT to legalize and make valid certain assessments for lateral sewer purposes, in the city of Negaunee, Marquette county, Michigan, and to provide a method for collecting delinquent assessments thereunder.

Relative to
certain assess-
ment rolls for
lateral sewers.

WHEREAS, It appears that the city of Negaunee, Marquette county, Michigan, in the year eighteen hundred and ninety-three, in spreading the cost of construction of lateral sewers, caused two assessment rolls to be made, such rolls being known as: "Special assessment roll for lateral sewers, district number one, eighteen hundred and ninety-three, city of Negaunee," and "Special assessment roll for lateral sewers, district number two, eighteen hundred and ninety-three, city of Negaunee;" and

Idem.

WHEREAS, A portion of the assessments in such rolls remain unpaid and no adequate remedy exists for the collection of the same; and

Idem.

WHEREAS, It appears that the steps taken for the spreading of the tax on such rolls are regular and in accordance with the requirements of the charter of the said city of Negaunee; therefore

Assessment
rolls legalized.

SECTION 1. *The People of the State of Michigan enact*, That such assessment rolls and the tax therein provided for, be and the same are hereby ratified, confirmed and legalized in all things.

Collection, how
made.

SEC. 2. For the purpose of collecting any tax unpaid on such assessment rolls, or either of them, at the date of the passage of this act, the treasurer of the said city of Negaunee, shall hereafter and on or before the first day of October, eighteen hundred and ninety-seven, make a report to the assessor of the said city, containing a list of the persons delinquent, a description of the lots and premises upon which the assessments remain unpaid and the amount unpaid on each parcel so returned, which statement shall be verified by the oath of such treasurer. Upon receiving such report, the assessor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, as a tax on the general assessment roll for the year eighteen hundred and ninety-seven, in a column for "lateral sewer assessments district number (specifying the district)," and thereupon the amounts so levied on said general assessment roll, shall be collected and enforced with the other taxes in such general assessment roll and in the same manner, and shall continue to be a lien on the premises until paid into the city treasury of the said city of Negaunee.

To be placed
on general
assessment
roll.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 333.]

AN ACT to detach certain territory from the Union school district, of the city of Owosso, and attach the same to fractional school district number four, of the townships of Owosso and Caledonia.

SECTION 1. *The People of the State of Michigan enact*, That all that portion of the south one-half of section twelve, of the township of Owosso, which lies east of Shiawassee river, and is included in the union school district, of the city of Owosso, be and the same is hereby detached from said union school district, of the city of Owosso, and attached to fractional school district number four of the townships of Owosso and Caledonia to which said lands formerly belonged. Territory detached and attached.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 334.]

AN ACT to provide for the construction of a bridge across the Grand river in the township of Plainfield in the county of Kent, and for the raising of funds to defray the cost and expense thereof.

SECTION 1. *The People of the State of Michigan enact*, That the township board of the township of Plainfield, in the county of Kent, be, and hereby is authorized to and shall construct a public bridge across the Grand river near the center of section twenty-three (23) of said township of Plainfield, at a point where the State road, commonly known as the Plainfield avenue gravel road, crosses said Grand river, at a cost of not more than ten thousand dollars (\$10,000) and that the township of Plainfield shall contribute the sum of two thousand dollars (\$2,000); the township of Cannon the sum of one thousand five hundred dollars (\$1,500); the township of Courtland the sum of one thousand dollars (\$1,000); the township of Gratton the sum of three hundred dollars (\$300); the township of Oakfield the sum of two hundred dollars (\$200); and the county of Kent the sum of five thousand dollars (\$5,000) which said five thousand dollars shall be assessed and collected the same as other county taxes; and the said township of Plainfield shall also pay all additional expenses, if any there shall be, in the construction of the said bridge, and shall thereafter maintain the same. Township board to construct bridge.
Location.
Division of cost.

When cost to
be assessed.

County treas-
urer to dis-
burse funds.

SEC. 2. One-half of the several amounts above directed to be contributed by the said several townships and by the said county of Kent, shall be assessed on the taxable property of the said townships above referred to specifically, and the various townships of the county of Kent and wards of the city of Grand Rapids, according to their assessed valuation, in the year eighteen hundred ninety-seven as equalized by the board of supervisors and the remaining one-half thereof in the year eighteen hundred ninety-eight and the same shall be collected in the same manner as other taxes and shall be paid by the respective township treasurers and the treasurer of the city of Grand Rapids into the hands of the county treasurer of said county, who shall hold the same as a separate fund and pay out the same only on orders of the township board of the township of Plainfield for the purpose of the construction of such bridge, or, for paying indebtedness incurred on account of such construction, and for no other purpose.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 335.]

AN ACT to legalize the taxes assessed in the city of North Muskegon, for the years eighteen hundred ninety-five, and eighteen hundred ninety-six.

Taxes legalized
for certain
years.

Failure of
council to
make esti-
mates.

Of assessor to
certify to roll.

SECTION 1. *The People of the State of Michigan enact*, That the respective assessment rolls and tax rolls of the city of North Muskegon, for the years eighteen hundred ninety-five and eighteen hundred ninety-six, and the statements of the treasurer, of Muskegon county, for each of said years given to the city treasurer, of the city of North Muskegon, of the uncollected personal taxes, of said years respectively with his warrant, for the collection thereof attached thereto, are hereby confirmed and declared valid and the taxes assessed, and levied thereon declared legal notwithstanding the errors, omissions, defects, informalities and irregularities hereinafter enumerated, viz: Notwithstanding the failure or neglect of the common council of said city to cause estimates to be made in any or both of said years, of the expenditures which would be required to be made from the several general funds of the city during the then fiscal year. Notwithstanding the failure of the assessor of said city in either or both of said years to make and deliver to the city treasurer a certified copy of the assessment roll with the taxes entered therein with his warrant for the collection of the taxes therein annexed thereto.

Notwithstanding the failure or neglect of the treasurer of said city in either or both of said years to make and return to the county treasurer of Muskegon county as provided by law properly verified statements of the uncollected taxes, assessed against real property or personal property. Notwithstanding the failure or neglect of the common council of the city of North Muskegon to pass any measure during any of its sessions in said years by aye and nay votes. Notwithstanding any other defect, omission, informality or irregularity in any proceeding in the voting, assessing, levying, or collection, of said taxes that has not prejudiced the property rights of any person, whose property is assessed on any of said rolls, which prejudice in case of contest must be affirmatively shown by the person contesting any of said taxes.

Of treasurer to make return to county treasurer.

Of common council to pass measure by aye and nay votes.

Any defect or irregularity in voting, etc.

This act is order to take immediate effect.

Approved March 10, 1897.

[No. 336.]

AN ACT to detach certain territory from the township of Negaunee, in Marquette county, and attach the same to the township of Richmond in said county.

SECTION 1. *The People of the State of Michigan enact, That* the south half of section sixteen and the south half of section seventeen, all in township forty-seven north, of range twenty-six west, in the county of Marquette, be and the same is hereby detached from the township of Negaunee in said county, and is hereby attached to the township of Richmond in said county.

Territory detached.

SEC. 2. All acts or parts of acts contravening any of the provisions of this act are hereby repealed.

Acts repealed.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 337.]

AN ACT to consolidate fractional school district number five, of the townships of Yates and Cherry Valley in Lake county, and school district number one, of Cherry Valley township in Lake county.

Territory consolidated to form new district.

SECTION 1. *The People of the State of Michigan enact, That* fractional school district number five of the townships of Yates and Cherry Valley, consisting of sections one, two, three, ten, eleven, twelve, thirteen, fourteen, east half of fifteen and east half of the west half of fifteen, in township seventeen north, range twelve west; and the south half of the south half of section thirty-five, township eighteen north range twelve west, be and the same is hereby consolidated with district number one of Cherry Valley township, consisting of sections twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty-four, thirty-six, north half of thirty-five and north half of south half of thirty-five, and south half of south half of section fourteen, township eighteen north range twelve west. Said district to be known as consolidated school district number one and number five of Cherry Valley and Yates townships. Said district shall be entitled to primary school money as per capita of children of legal age therein.

District, how known.

First meeting of district.

SEC. 2. The first meeting of said consolidated school district, numbers one and five of Cherry Valley and Yates townships, may be called by any three taxable inhabitants thereof, notice in writing of the time and place of holding said meeting having been previously posted in three places in the territory comprising said district at least ten days before the time designated therein for said meeting, signed by the inhabitants calling the same, at which meeting there shall be elected a moderator, director and assessors of said district, who shall respectively hold their offices until the annual meeting of said district, to be held on the first Monday of September, A. D. eighteen hundred and ninety-seven, when their successors shall be elected.

Officers to be elected.

Subject to general school laws.

SEC. 3. Except as herein otherwise provided, said school district and its officers shall be subject to the provisions of chapter one hundred and ninety-six of Howell's statutes, relating to public instruction and public schools, and acts amendatory thereof.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 338.]

AN ACT to authorize the township of Tawas, Iosco county, to issue bonds for the purpose of borrowing money with which to pay a judgment debt.

SECTION 1. *The People of the State of Michigan enact*, That the township of Tawas, Iosco county, is hereby authorized to issue bonds to the amount of three thousand dollars, at a rate of interest not to exceed six per cent per annum, for the purpose of borrowing money with which to pay the judgment issued out of the United States court against said township of Tawas, and the accrued interest thereon.

Authority to
issue bonds.

Purpose.

SEC. 2. The township board of the township of Tawas shall fix the amount of said bonds, the rate of interest, and the time and place where the same shall be payable. Each bond shall show upon its face the object for which it was issued, and it shall be unlawful for any officer of such township to use such bonds or any proceeds from the sale thereof for any object other than that mentioned on the face of such bond, and any such officer who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for a period not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

Township
board to fix
amount.

Penalty for
violation of
act.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 339.]

AN ACT to amend section two (2) of title two (2), of act four hundred and twenty-nine (429), local acts of eighteen hundred and ninety-five (1895), entitled "An act to re-incorporate the city of Cadillac, and to create a recorder's court in said city, and to provide for the election and appointment of officers therein, and to prescribe the duties of said recorder. Approved May twenty-second, eighteen hundred and ninety-five.

SECTION 1. *The People of the State of Michigan enact*, That section two (2) of title two (2), of act four hundred and twenty-nine (429), local acts of eighteen hundred and ninety-five (1895), entitled "An act to re-incorporate the city of Cadillac, and to create a recorder's court in said city, and to provide for the

Section
amended.

election and appointment of officers therein, and to prescribe the duties of said recorder, be and the same is hereby amended so as to read as follows:

Recorder to have powers, etc., of justice of peace.

SEC. 2. Such recorder shall have all the powers and jurisdiction conferred by the laws of the State of Michigan upon justices of the peace, and shall have exclusive jurisdiction to hear, try and determine all actions and prosecutions for the recovery and enforcement of fines, penalties and forfeitures, imposed by the ordinances of the city, and to punish offenders for the violation thereof. And shall also have exclusive jurisdiction to hear, try and determine all actions and prosecutions arising for violations of any law of the State, where such offenses are committed within the city of Cadillac, and cognizable by a justice of the peace, and shall also have exclusive jurisdiction in like cases to examine all parties charged with offenses not so cognizable by a justice, and to hold such parties for trial to the circuit court for the county of Wexford. The recorder in said city, when exercising civil jurisdiction, shall be deemed a justice of the peace of Wexford county, and shall have all the powers and jurisdiction given by the general laws of the State in relation to civil cases before justices of the peace in townships, and appeals from said recorder's judgments may be made to the circuit court for the county of Wexford in the same manner as appeals from justice court judgments are made by law.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 340.]

AN ACT authorizing the city of Tawas City to issue bonds for the purpose of borrowing money with which to pay a judgment debt.

Bonds, issue of, amount and rate of interest.

For what purpose.

SECTION 1. *The People of the State of Michigan enact*, That the city of Tawas City is hereby authorized to issue bonds to the amount of four thousand eight hundred dollars, at a rate of interest not to exceed six per cent per annum, for the purpose of borrowing money with which to pay that portion of the judgment issued out of the United States court against the township of Tawas, assumed by the city of Tawas City at the time of its settlement with the township of Tawas in May, eighteen hundred and ninety-five (1895), and the accrued interest thereon.

Who to fix amount of bonds, rate of interest, etc.

SEC. 2. The council of the city of Tawas City shall fix the amount of such bonds, the rate of interest, and the time and place where they shall be payable.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 341.]

AN ACT legalizing certain bonds of the county of Muskegon.

SECTION 1. *The People of the State of Michigan enact*, That all of the proceedings of the board of supervisors and electors of the county of Muskegon, heretofore had in respect to the issue of the refunding bonds of said county, to the amount of ninety thousand dollars, and bearing date the first day of February, one thousand eight hundred ninety-seven, and bearing interest payable annually at the rate of four and one-half per centum per annum are hereby legalized, and the said bonds are hereby declared to be the binding obligations of the county of Muskegon, and the board of supervisors of said county are hereby required to levy a tax upon the taxable property of said county to pay said bonds and interest at maturity.

Proceedings
of board of
supervisors
legalized.

Bonds binding
obligations.

Levy tax to
pay bonds
and interest.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 342.]

AN ACT to provide for the construction of a bridge across the Grand River, in the township of Ada, in the county of Kent, and for the raising of funds to defray the cost and expense thereof.

SECTION 1. *The People of the State of Michigan enact*, That the township board of the township of Ada, in the county of Kent, be and hereby is authorized to and shall construct a public bridge across the Grand River on section seven in township seven, north of range ten west, on the highway running across said section and crossing said river at a cost of not more than ten thousand dollars, and that the townships of Ada, Vergennes and Cannon, and the county of Kent do respectively contribute to the expense thereof as follows:

Who author-
ized to con-
struct bridges.

Limit of
expense.
Who to con-
tribute to
expense.

The said township of Ada, the sum of four thousand dollars.

The said township of Cannon, the sum of five hundred dollars.

The said township of Vergennes, the sum of five hundred dollars, and the said

County of Kent, the sum of five thousand dollars, which said five thousand dollars shall be assessed and collected the same as other county taxes; and the said township of Ada

Amounts
assessed and
collected same
as other taxes.

shall also pay all additional expenses, if any there shall be, in the construction of said bridge, and shall thereafter maintain the same.

Amount of tax assessed in the year 1897.

SEC. 2. One-half of the several amounts above directed to be contributed by the said several townships, and by the said county of Kent, shall be assessed on the taxable property of the said townships above referred to specifically, and the various townships of the county of Kent, and wards of the city of Grand Rapids according to their assessed valuation, in the year eighteen hundred and ninety-seven, as equalized by the board of supervisors and the remaining one-half thereof in the year eighteen hundred and ninety-eight, and the same shall be collected in the same manner as other taxes, and shall be paid by the respective township treasurers, and the treasurer of the city of Grand Rapids, into the hands of the county treasurer of said county, who shall hold the same as a separate fund, and pay out the same only on orders of the township board of the township of Ada, for the purpose of the construction of such bridge, or, for paying indebtedness incurred on account of such construction and for no other purpose.

Amount to be assessed in the year 1898.

Who to pay to county treasurer.

To pay only on orders of township of Ada.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 343.]

AN ACT to provide for the payment of a salary to certain township officers in the township of Ecorse, in the county of Wayne, and to fix the amount thereof.

Township officers to receive annual salary.

SECTION 1. *The People of the State of Michigan enact*, That the supervisor, township clerk, highway commissioner and the two justices of the peace, serving by law as members of the township board, in the township of Ecorse, in the county of Wayne, shall receive, as an annual salary, the amount herein prescribed for each official respectively.

Salary of officers.

SEC. 2. The supervisor shall receive as an annual salary, the sum of six hundred dollars. The township clerk shall receive as an annual salary the sum of three hundred dollars. The highway commissioner shall receive as an annual salary, the sum of three hundred dollars. The two justices of the peace serving as members of the township board, shall receive as an annual salary, the sum of fifty dollars, and such other fees as may be derived from the practice of the business of justice of the peace.

What salaries may be changed.

SEC. 3. The salary of any supervisor, township clerk, highway commissioner or justice of the peace, serving as members of the township board, shall not be increased or dimin-

ished during his term of office, and the taking of fees or receiving of any compensation other than as herein provided, is hereby prohibited. Taking of fees prohibited.

SEC. 4. All acts or parts of acts in any way contravening the provisions of this act, are hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 344.]

AN ACT to authorize the village of Laurium, in the county of Houghton, State of Michigan, to borrow money and issue bonds therefor to the amount of thirty-five thousand dollars, for the purpose of constructing sewers and establishing a sewer system.

SECTION 1. *The People of the State of Michigan enact*, That the village council of the village of Laurium, county of Houghton, State of Michigan, be and hereby is authorized and empowered to borrow on the faith and credit of said village a sum of money not to exceed the sum of thirty-five thousand dollars, for a term of years not less than ten nor more than twenty, at a rate of interest not exceeding six per cent per annum, payable annually; and to execute and issue the coupon bonds of said village therefor in such form as the said council may by a two-thirds vote of all the members elect determine; and to provide for the payment of the same, which bonds shall in no case be disposed of at less than their par. value, and shall be payable at such place or places as said council shall direct. May borrow money and issue bonds.

SEC. 2. All money borrowed under the provisions of this act shall be used for constructing sewers and establishing a sewer system for the use of said village, under such rules and regulations as said council shall prescribe. Rate of interest.

SEC. 3. It shall be the duty of said council to provide by tax upon the taxable property or from any fund it may have and not otherwise appropriated, for the said sum of thirty-five thousand dollars and interest upon all bonds issued under authority of this act, as they may become due: *Provided*, That no bonds shall be issued or money borrowed for such purposes until the question shall be submitted to the electors of the village at a special election to be called for that purpose by the council; and a (two-thirds) majority of the electors voting at such election, voting therefor shall decide. Not to be disposed of for less than par.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 345.]

AN ACT to vacate the townships of Mount Pindus, Atherton and Harmon, in the county of Oscoda, and to incorporate their territory within the adjoining and adjacent township of Big Creek, in Oscoda county.

Territory
vacated.

SECTION 1. *The People of the State of Michigan enact*, That the township of Mount Pindus, comprising township twenty-five, north, range one east, the township of Atherton, comprising town twenty-five north, range two east, and the township of Harmon comprising town twenty-six north, range two east, all in the county of Oscoda, be and the same is hereby vacated, and that the territory embraced in said townships of Mount Pindus, Atherton and Harmon, being towns twenty-five north, range one east, town twenty-five north, range two east, and town twenty-six north, range two east, be and the same is hereby attached to and incorporated with the township of Big Creek, in said county of Oscoda. That said township of Big Creek shall comprise towns twenty-five north, range one east, town twenty-five north, range two east, town twenty-six north, range one east, and town twenty-six north, range two east.

Territory
attached to
township of
Big Creek.

Credits
demands in
favor of town-
ship of Big
Creek.

SEC. 2. All rights of action, demands, credits, choses in action and property of whatsoever name or nature now belonging to or existing in favor of said townships of Mount Pindus, Atherton and Harmon, shall hereafter remain the credits, demands, rights of action in favor of the township of Big Creek.

Debts and
demands to
be against
township of
Big Creek.

SEC. 3. All debts, demands and rights of action now existing against said townships of Mount Pindus, Atherton and Harmon shall be assumed by the township of Big Creek and shall hereafter become and remain the debts, demands and rights of action against the township of Big Creek.

Duties of town-
ship officers of
Mount Pindus,
Atherton and
Huron.

SEC. 4. It shall be the duty of the township's officers of said townships of Mount Pindus, Atherton, and Harmon to turn over to the proper officers of the townships of Big Creek, the same as if the officers of said Big Creek township were their successors in office, all funds, files, records and papers in their possession and by virtue of their several offices.

Debts, de-
mands, etc.,
against town-
ship of Big
Creek.

SEC. 5. That all debts, demands and rights of action now existing against the township of Big Creek, which comprises town twenty-six north, range one east, shall, if the rights of action, demands, credits, choses in action and property of whatsoever name or nature now belonging to and existing in favor of said township of Big Creek, be insufficient to pay all of said debts, demands, and rights of action now existing

against said township of Big Creek, be borne separately and assessed against said town twenty-six north, range one east.

This act is ordered to take immediate effect.

Approved March 12, 1897.

[No. 346.]

AN ACT to incorporate the public schools of the city of Ironwood, in the county of Gogebic, and to repeal all acts and parts of acts inconsistent therewith.

SECTION 1. *The People of the State of Michigan enact*, That all the following described territory situated in the county of Gogebic and State of Michigan, to-wit: The south half of the southwest quarter of section thirteen, the south half of the south half of section fourteen, the south half of the south half of section fifteen, the south half of the southeast quarter of section sixteen, lot number four of said section sixteen, fractional section twenty-one, sections twenty-two and twenty-three, the west half of section twenty-four, the west half of section twenty-five, section twenty-six, and fractional section twenty-seven, all in township forty-seven north of range forty-seven west, in the county of Gogebic and State of Michigan, is hereby created a graded school district under the name of the public schools of the city of Ironwood, by which name it shall be hereafter known.

Territory to form public school district of the city of Ironwood.

SEC. 2. The present board of trustees of fractional school district number one, of the city and township of Ironwood shall constitute the board of trustees of the district hereby created, and shall continue to hold their respective offices until their successors are duly elected and qualified, unless their terms of office shall sooner terminate by law.

Board of trustees, who to constitute.

SEC. 3. The annual meeting of said district shall be held on the second Monday in July of each year, at such place as shall be designated by the legal voters of said district or by the board of trustees thereof.

Annual meetings, when held.

SEC. 4. All moneys, credits, and all school property in said district heretofore belonging to fractional school district number one of the city and township of Ironwood, shall be the property of and belong to the district hereby created, and all debts and obligations, and all choses in action or indebtedness existing against or in favor of said fractional district, shall be binding upon, inure to and be enforceable against or in favor of the district hereby created, excepting in such cases as shall be otherwise provided for by the general school laws of the State.

Disposition of money and credits belonging to fractional district.

Obligations to be binding upon district created.

How taxes
levied and
collected.

SEC. 5. All school taxes in said district shall be levied, assessed and collected in said district in the same manner as near as may be as school taxes are levied, assessed and collected by virtue of the school laws of the State. A complete statement of all taxes voted by the board of trustees or by the qualified voters of said district shall be certified by the moderator and director of said board of trustees to the city clerk of the city of Ironwood, on or before the first day of October in each year who shall file said statement in his office, and shall immediately make out and deliver a true copy thereof to the assessor of said city, who shall dispose thereof in the same manner as statements of school taxes are disposed of by supervisors in townships.

When may
borrow money
and issue
bonds.

SEC. 6. For the purpose of paying for a school house site or sites, and to erect and furnish school buildings in said district, the said district may borrow money and issue its bonds therefor. But the bonded indebtedness of the district shall not exceed at any one time the sum of fifty thousand dollars. The manner of bonding shall be the same as provided by the school laws of the State.

Trustees,
power of.

SEC. 7. The board of trustees shall have power to make all necessary rules and regulations for the examination and licensing of all persons engaged by them to teach in the public schools of the district.

To be governed
by general
school laws.

SEC. 8. In all matters not expressly provided for in this act the district shall be governed by the general school laws that are now or that may be hereafter in force in this State.

Acts repealed.

SEC. 9. Act number three hundred and ninety-six of the local acts of the year eighteen hundred and eighty-nine, and act number two hundred and fifty-five of the local acts of the year eighteen hundred and ninety-three are hereby repealed.

This act is ordered to take immediate effect.

Approved March 12, 1897.

[No. 347.]

AN ACT to vacate the township of Greenwood, in the county of Oscoda, and to incorporate its territory within the adjoining township of Elmer in Oscoda county.

What lands
vacated and
attached to
Elmer town-
ship.

SECTION 1. *The People of the State of Michigan enact, That the organization of the township of Greenwood in the county of Oscoda be, and the same is hereby vacated and the territory thereof be and the same is hereby attached to the township of Elmer in said county.*

SEC. 2. All rights of action, demands, credits, choses in action and property of whatsoever name or nature now belonging or existing in favor of said township of Greenwood, shall hereafter remain the debts, demands and rights of action in favor of the township of Elmer.

Demands and right of action in favor of township of Elmer.

SEC. 3. All debts, demands, and rights of action now existing against the township of Greenwood shall be assumed by said township of Elmer and shall hereafter become and remain the debts, demands and rights of action against the township of Elmer.

Demands and right of action against Elmer township.

SEC. 4. It shall be the duty of the township officers of said Greenwood township to turn over to the proper officers of said Elmer township the same as if the said Elmer township officers were their successors in office, all funds, files and records, by virtue of their said offices.

Duties of township officers.

This act is ordered to take immediate effect.

Approved March 12, 1897.

[No. 348.]

AN ACT to authorize the village of Allegan, in the county of Allegan, Michigan, to borrow money for the purpose of improving the dam and water power in the village of Allegan.

SECTION 1. *The People of the State of Michigan enact*, That the village of Allegan, in Allegan county, be and it is hereby authorized and empowered to borrow on the faith and credit of said village a sum not exceeding ten thousand dollars, to be paid in annual payments of not less than one thousand dollars per annum, bearing not to exceed six per cent interest per annum, and to execute the bonds of said village therefor, for the purpose of improving the water power in said village and aiding in building an overflow dam for said water power.

May borrow money and issue bonds, limit of.

Rate of interest.

For what purpose.

SEC. 2. Such money shall not be so borrowed unless a majority of two-thirds of the qualified voters of said village, voting at a special election, called for the purpose of voting on said loan, shall so determine. *Provided*, That no such election shall be called unless the Allegan Water Power Company shall first furnish satisfactory evidence to the village council that they have raised ready for use one-half of the cost of improving the water power or building an overflow dam, nor unless the village council shall by resolution, adopted by a two-thirds majority of the common council, determine that the plans for improvement, submitted to them by the water power company are approved by them.

When and how money may be borrowed.

Water power company to furnish evidence.

Common council to determine.

Duties of common council in case of special election.

SEC. 3. If the common council of the village of Allegan shall decide to call an election for the purpose of voting upon the question of bonding said village for such purpose, such common council shall call a special election by posting in five public places in said village, not less than ten days before said special election, written or printed notices, and also by publishing notice thereof in a paper published and circulating in said village, which notice shall state the date and place of election, and the amount of money proposed to be borrowed, and the purpose to which it shall be applied.

Form of ballot and duty of village board.

SEC. 4. The vote upon such proposition shall be upon printed ballots. Ballots in favor of such proposition shall be in the following words "For the loan." And ballots against the loan shall be in the following words "Against the loan." And it shall be the duty of the village board to provide at the polls of said special election, during the whole time that the same shall be open, a sufficient number of ballots, both for and against such proposition, in the form above indicated, and to furnish the same to all electors desiring to vote thereon. The inspectors of the election for the village of Allegan shall be the inspectors of the special election, and the special election shall be conducted and vote canvassed in all respects as in other special or general elections. Immediately upon such conclusion of such canvass the inspectors of such election shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against, respectively, which certificate, in writing, signed by them, setting forth the result of such special election, shall be filed with the clerk of said village.

Who to be inspectors of election.

Who to make and sign certificate of result of election.

Money expended under direction of common council.

SEC. 5. The money borrowed under the provisions of this act shall be expended under the direction of the common council of said village in making the improvements upon the Allegan water power aforesaid.

Common council to direct the raising of tax from year to year.

SEC. 6. The common council shall from year to year direct the raising by tax of the amount necessary to pay such bonds, and the interest thereon, as the same become due.

This act is ordered to take immediate effect.

Approved March 12, 1897.

[No. 349.]

AN ACT to amend act number three hundred and twenty-one of the local acts of eighteen hundred and ninety-three, entitled "An act to reincorporate the city of Gladstone, in the county of Delta, and to repeal all acts or parts of acts inconsistent with the provisions of this act," approved March twenty-seventh, eighteen hundred and ninety-three, as amended by act number four hundred and seven of the local acts of eighteen hundred and ninety-five, by amending chapter two, section seven of chapter five, section four of chapter six, and section one of chapter seven, said last named section being entitled "Compensation of officers," and also by amending section two of chapter twenty-six, section three of chapter twenty-seven, and sections three, four, five and fifteen of chapter twenty-nine, and to amend and re-number sections one and two, entitled "Compensation of officers," of chapter seven, the same to stand as sections forty-five and forty-six of chapter seven, and to add to said act a new section to chapter seven, to be known as section forty-four; twenty-three new sections to chapter twenty-six to be known as sections three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five; to add a section to chapter twenty-eight to be known as section twenty-nine, and to add a new chapter to said act to be known as chapter thirty-two.

SECTION 1. *The People of the State of Michigan enact*, That chapter two, section seven, of chapter five; section four of chapter six; and section one of chapter seven; said last named section being entitled "Compensation of officers," and section two of chapter twenty-six; section three of chapter twenty-seven; and sections three, four, five and fifteen of chapter twenty-nine of act number three hundred twenty-one of the local acts of eighteen hundred ninety-three, entitled "An act to reincorporate the city of Gladstone, in the county of Delta, and to repeal all acts or parts of acts inconsistent with the provisions of this act," approved March twenty-seventh, eighteen hundred ninety-three, as amended by act number four hundred seven of the local acts of eighteen hundred ninety-five, be amended and that sections one and two, entitled "Compensation of officers," of chapter seven, be amended and re-numbered so as to stand as sections forty-five and forty-six of said chapter; that a new section be added to chapter seven to be known as section forty-four; twenty-three new sections be added to chapter twenty-six, to be known as sections three, four, five, six, seven, eight,

Sections
amended.

nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four and twenty-five; a new section be added to chapter twenty-eight to be known as section twenty-nine, and that a new chapter be added to said act to be known as chapter thirty-two; said amended, re-numbered and added sections and chapters to read as follows:

CHAPTER II.

WARD LIMITS.

Wards. **SECTION 1.** The said city for the time being shall be divided in four wards:

First ward. The first ward shall embrace all that portion of the city lying east of the following described line: Commencing at the intersection of a continuation of the center line of Sixth street in a southeasterly direction and the shore of Little Bay de Noc on the south; thence in a northwesterly direction along said continuation and center line of Sixth street to the intersection of same with a line between sections twenty-one and twenty-two; thence north along the said section line to the shore of Little Bay de Noc.

Second ward. The second ward shall embrace all that portion of the city between the west line of the first ward being the line last described, and the following described line or lines: Commencing at the intersection of a continuation of the center line of Central avenue formerly known as Tenth street in a southeasterly direction and the shore of Little Bay de Noc on the south; thence in a northwesterly direction along said continuation and center line of Central avenue to the intersection of same with the north line of Railway avenue; thence along the north line of Railway avenue in a southwesterly direction to the center of section twenty-one; thence north on the north and south quarter line through said section twenty-one to the shore of Little Bay de Noc; thence northeasterly and southeasterly along said shore line of Little Bay de Noc to an intersection with a line between sections twenty-one and twenty-two or west line of the first ward.

Third ward. The third ward shall embrace all that portion of the city between the most westerly and most northerly line of the second ward being the line last described and the following described line: Commencing at the intersection of a continuation of the center line of Thirteenth street in a southeasterly direction and the shore of Little Bay de Noc on the south; thence in a northwesterly direction along said continuation and center line of said Thirteenth street to an intersection with the south line of Minneapolis avenue; thence in a southwesterly direction along said south line of Minneapolis avenue

to an intersection with the center line of Fourteenth street; thence northwesterly along said center line of Fourteenth street and a continuation of same to an intersection with the east and west quarter line through section twenty-one; thence west along said quarter line to the line between sections twenty and twenty-one; thence north along the line between sections twenty and twenty-one, sixteen and seventeen to the north city limits; thence east along said north line of the city limits to a point where the same intersects the shore of Little Bay de Noc at the most easterly point on said north line of the city limits; thence southwesterly along the eastern shore of lot one of section fifteen to the most southwesterly point of said lot; thence southwesterly along the shore of Little Bay de Noc to the most southerly point of lot four of section sixteen; thence southerly to a point where the north and south quarter line through section twenty-one intersects shore of Little Bay de Noc.

The fourth ward shall embrace all that portion of the city Fourth ward. bounded by the following described lines: Commencing at a point on the shore of Little Bay de Noc where a continuation of the center line of Thirteenth street intersects same; thence in a southwesterly direction along said shore line of Little Bay de Noc to the south city limits; thence west on the south line of said city limits to the west line thereof; thence north on the west limits of said city to the north limits of the city; thence east along the north limits of the city to the northeast corner of section seventeen or west limits of the third ward; thence south and east and southeast along the west line of the third ward to place of beginning.

CHAPTER VII.

DUTIES AND COMPENSATION OF OFFICERS.—DEPUTY CITY TREASURER.

SEC. 44. The city treasurer may, subject to the approval of the city council, appoint a deputy who shall possess all the powers and authority of the city treasurer and may exercise all the duties thereof, subject to the control of such treasurer, and such deputy shall be paid for his services by the city treasurer. The city treasurer shall be responsible for the actions and defaults of such deputy and he may remove such deputy at his pleasure. City treasurer may appoint deputy.

COMPENSATION OF OFFICERS.

SEC. 45. The mayor and aldermen may each receive not to exceed the sum of fifty dollars per year as may be prescribed by the city council. In addition thereto while serving as mem- Compensation of mayor and aldermen.

Clerk, marshal, assessor, attorney, physician.	bers of boards of registration, inspectors or clerks of election, they shall receive the same sum as hereinafter provided for such duties. The city clerk, city marshal, city attorney, city assessor, and city physician shall receive such annual salary as the city council shall by ordinance determine. The city marshal in addition to the salary aforesaid, justices of the peace, constables and officers, serving process and making arrests, may, when engaged in causes and proceedings, for violation of ordinances of the city council, and for the service of all civil and criminal process, be entitled to receive such fees as are allowed to those officers for like services by the general laws of this State, but in no case shall fees for such services be charged to or paid by the city. The street commissioner shall be entitled to receive such compensation as the city council shall allow, not exceeding two dollars and fifty cents per day for his services when actually employed and at the same rate for parts of the day. The director of the poor shall be entitled to receive such compensation as the city council shall allow, not exceeding two dollars per day for every day actually employed in the duties of his office. Supervisors shall be allowed the same fees and such compensation for their services when actually employed in their duties as supervisors performing like duties in townships are, or may hereafter be allowed by law. The city treasurer shall receive an annual salary of two hundred dollars which shall include the making of the annual delinquent tax roll or rolls, and his returns to the county treasurer: <i>Provided</i> , That the board of education of said city by a majority vote of the trustees elect may vote an additional compensation not to exceed one hundred dollars per year for services as treasurer of the public schools of the city of Gladstone. The city treasurer shall in addition thereto, for the collection of all taxes be entitled to receive such compensation as is or shall be prescribed by law for township treasurers and which may be added by him to the taxes in like manner as township treasurers are or may hereafter be authorized to add the same, and for the collection of all special assessments the said treasurer shall be entitled to receive such fees as the city council shall by ordinance allow. The same to be added and collected in the same manner as the special assessment. The city surveyor shall be entitled to receive for his services a compensation not exceeding four dollars per day for every day actually employed in the duties of his office including the time consumed in traveling to and from the place of making the survey and twenty-five cents for recording each description and twenty-five cents for each certificate or copy thereof to be paid by the person for whom the survey is made and shall not be liable to prosecution for action of trespass in running or establishing any line during the prosecution of his duties. The members of the board of review whether <i>ex officio</i> or otherwise shall receive for their com-
Street commissioner.	
Director of poor.	
Supervisors.	
City treasurer.	
Proviso as to treasurer of public schools.	
City surveyor.	
Members of board of review.	

pensation three dollars per day while performing their duties as members of the board of review. The members of the boards of registration, inspectors and clerks of election shall receive the sum of three dollars for their entire services at any daily session of the boards of registration or election and no further compensation. All other officers elected or appointed by the city council shall, except as herein and otherwise provided, receive such compensation as the city council by ordinance shall determine.

Boards of registration, inspectors of election and clerks.

Other officers.

CHAPTER XXVI.

APPROPRIATION OF PRIVATE PROPERTY.

SEC. 2. When the council shall deem it necessary to make any public improvement requiring the taking or using of private property for any of the purposes mentioned in this act not acquired by purchase, such property or the use thereof may be acquired by the city under and by virtue of the general laws of this State relating to the taking of private property for public use in cities and villages, or by instituting and prosecuting the proceedings for that purpose as hereinafter set forth.

Duty of council relative to taking private property.

SEC. 3. Whenever the council shall have declared a public improvement to be necessary in the municipality and shall have declared that they deem it necessary to take private property, describing it, for such public improvement, designating it, and that the improvement is for the use or benefit of the public, they shall by resolution direct the city attorney to institute the necessary proceedings in behalf of the municipality before such justice of the peace in and for said city as they may designate to carry out the object of the resolution in regard to taking private property by the city for such public use.

When deemed necessary to take private property.

Who to institute proceedings.

SEC. 4. The city clerk shall make and deliver to such attorney as soon as may be a copy of such resolution certified under seal, and it shall be the duty of such attorney to prepare and file with such justice in the name of the city a petition, signed by him in his official character, and duly verified by him, to which petition a certified copy of the resolution of the council shall be annexed, which certified copy shall be *prima facie* evidence of the action taken by the council and of the passage of said resolution. The petition shall state, among other things, that it is made and filed as commencement of judicial proceedings by the municipality in pursuance of this act to acquire the right to take private property for the use or benefit of the public, without consent of the owners, for a public improvement, designating it, for a just compensation to be made. A description of the property to be taken shall be given, and generally the nature and extent of the use thereof

City clerk to deliver resolution to attorney. Duty of attorney.

Petition to state what.

Right to take private property for public benefit.

Description of property.

Names of owners and others interested. Declaration of council.	that will be required in making and maintaining the improvement shall be stated, and also the names of the owners and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the council has declared such public improvement to be necessary and that they deem it necessary to take private property described in that behalf for such
For jury, duties of.	improvement for the use or benefit of the public. The petition shall ask that a jury be summoned and impaneled to ascertain and determine whether it is necessary to make such public improvement, whether it is necessary to take such private property as it is proposed to take, for the use or benefit of the public, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or things and may pray for any other or further relief to which the municipality may be entitled within the objects of this chapter.
Who to issue summons.	SEC. 5. Upon receiving such petition it shall be the duty of the said justice to issue a summons against the respondents named in such petition, stating briefly the object of said petition, and commanding them in the name of the people of the State of Michigan to appear before said justice at a
Limit of time to appear.	time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.
Who to serve summons upon respondents.	SEC. 6. Said summons shall be served by the city marshal or any constable of the city, at least five days before the return day thereof, upon all the respondents found within the county, by exhibiting the original and delivering a copy to each of them. If any respondent who is a resident of the
When respondents cannot be found, where served. In case of minor or person of unsound mind.	county cannot be found, the summons shall be served by leaving a copy thereof at his or her usual or last place of abode, with some person of suitable age and discretion. If any minor or person of unsound mind is interested in the premises to be taken, service may be made on the guardian of such person, if any, and if there is no guardian, the justice may appoint some discreet and proper person to be guardian <i>ad litem</i> of such person in such proceedings, and such guardian shall have authority to represent such person in said proceedings. The
Proceedings to appoint guardian.	proceedings to appoint such guardian shall be the same as in other cases provided by statute. If it shall appear upon the return day of the summons that any respondent cannot be found within the county and has not been served in the manner provided, or is a non-resident and has not voluntarily
When court to make order requiring respondent to appear.	appeared, the court may make an order requiring such respondent or respondents to appear and show cause why the prayer of the petition should not be granted, on a day to be named in the order not less than thirty days from the date thereof,

and may require that a certified copy of such order be personally served on such respondents wherever found, if practicable at least six days before the time named in the order for appearance, or the court may make such order for appearance and require, as to any or all such respondents who shall not have been personally served and have not appeared, that service be made by publishing a certified copy of such order for three successive weeks, at least once in each week, in at least one newspaper published within the municipality, the last publication to be at least six days before the day fixed in the order for appearance. Alias and pluries summons may be issued and the justice may adjourn the proceedings from time to time as there shall be occasion, and as in other civil cases. Service of such order for appearance in either mode prescribed shall be sufficient notice of the proceedings to bind the respondents and the property represented by them. The return of the officer upon the summons and an affidavit of the due service or the publication of the order for appearance, if any, shall be filed with such justice before a jury shall be impaneled, and be sufficient evidence of service on the respondents and of the manner of service.

May require personal service on respondents, where found and when.

Service by publication, how and when made.

Justice may adjourn proceedings.

Evidence of service.

SEC. 7. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the justice shall make an order that a jury be impaneled in the case. Such jury shall be composed of twelve freeholders of the municipality and shall be selected and impaneled as follows: The city marshal or any constable of such city shall, on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of said city, and the city attorney and the respondents collectively, shall each have the right to strike six names from the list of persons written down as aforesaid, and, subject to objection for cause; the twelve persons whose names are left on the list shall compose the jury for the trial of the cause and shall be summoned to attend at not less than three, nor more than ten days from the date of selecting such jury, by a venire issued by the justice and to be served by one of the officers aforesaid. If the respondents refuse or neglect to strike six names from said list, it shall be done by the justice, and in case any of the persons to be summoned cannot by him be found in the county, or being summoned do not attend, or shall be excused for cause, or otherwise, talesmen possessing the necessary qualifications, may be summoned as jurors in the case by such officer, and the practice and proceedings under this chapter, except as herein otherwise provided, relative to impaneling, summoning and excusing jurors and talesmen, and imposing penalties or fines upon them for non-attendance, shall be the same as the practice and proceedings of justice courts relative to jurors in civil

Jury, order for.

Jury composed of.

Right to strike names from list.

When summoned to attend.

Talesmen may be drawn. Practice governing proceedings.

cases in such courts, except that peremptory challenges shall not be allowed.

**Form of oath
for jurors.**

SEC. 8. The jurors so impaneled shall be sworn or shall affirm in substance as follows: "You do solemnly swear (or affirm) that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement, and for taking for the use or benefit of the public the private property which the petition describes and prays may be taken, and if you shall determine that it is necessary to make such improvement and to take said property, that then you ascertain, determine and award the just compensation to be made therefor, and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court, a true verdict give, according to law and the evidence, so help you God (or under the pains and penalties of perjury)." The jury shall hear the proofs and allegations of the parties, and shall go to the place of the intended improvement, in the charge of an officer, and upon or as near as practicable to any property proposed to be taken and examine the premises. They shall be instructed as to their duties and the law of the case by the justice, and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and be signed by the foreman, or by all jurors.

**Duties of jury
and instructions of.**

**What jury to
determine.**

SEC. 9. The jury shall determine in their verdict the necessity for the proposed improvement and for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists they shall separately award to the owners of such property, and others interested therein, such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

**May allow
jury petition
and map.**

SEC. 10. To assist the jury in arriving at their verdict, the justice may allow the jury, when they retire, to take with them the petition filed in the case, and a map showing the location of the proposed improvement and of each and all the parcels of property to be taken, and may also submit to them a blank verdict which may be as follows:

PART I.

**Blank verdict,
part I.**

We find that it is necessary to take the private property described in the petition in this cause, for the use and benefit of the public, for the proposed public improvement.

PART II.

The just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows: Part II.

Description of each of the several parcels of private property to be taken.	Owners, occupants, and others interested in each parcel.	Compensation.	To whom payable.
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the justice, before it is submitted to the jury, or it may be done by the jury. What to be inserted in blank verdict.

SEC. 11. Amendments either in form or substance may be allowed in any paper, petition, process, record or proceeding, or in the description of property proposed to be taken, or the name of any person, whether contained in a resolution passed by the council, or otherwise, whenever the amendment will not interfere with the substantial rights of the parties. Any such amendment may be made after as well as before judgment confirming the verdict of the jury. Amendments may be allowed.

SEC. 12. Upon filing the report and award made by any jury, with said justice, he shall enter it upon the docket of his proceedings, and a copy thereof may be taken by the city attorney for the use of the council; and at any time thereafter, and within forty days after the impaneling of the jury making the report, the justice, upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and award shall be at an end, and a new jury and new proceedings may be had, as in the case of disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time hereinafter provided. Duties of justice upon return of verdict of jury.

SEC. 13. If such jury should be unable to agree upon a verdict, or for any cause should fail to render a verdict, said justice shall, on the application of the city attorney, designate New jury, when may be had.

Proceedings when jury unable to agree.

some day and hour when another jury may be impaneled; and such other jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualification, be sworn, and when sworn, have the same powers and duties as the first jury. The same proceedings, after they are sworn, shall be had by them, and by and before said justice, or some other justice in said city as provided for above after the first jury is sworn.

In case of sickness or death of juror.

SEC. 14. If any juror, after being sworn, and before the hearing shall have been commenced, shall die, or from sickness or any other cause, be unable to discharge his duties as a juror, said justice may draw another person to serve in his place, who shall be sworn, and shall have the like qualifications, powers and duties as those already sworn.

Proceedings when party aggrieved by judgment.

SEC. 15. Any party aggrieved by the judgment of confirmation hereinbefore mentioned may, within ten days after the entry thereof appeal therefrom to the circuit court of the county, by filing with the justice a claim of appeal, in writing, under oath, in which he shall set forth a description of the land in which he claims an interest and a statement that he considers himself aggrieved by the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond to the city, in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay costs that may be awarded against him in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal.

Duties of justice in case of appeal.

SEC. 16. Within ten days after taking such appeal, said justice shall make and certify a return to said appeal setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury and all notices in papers, filed with him, together with the bond and claim of appeal and file the same with the clerk of such circuit court.

Who to have jurisdiction of case.

SEC. 17. Upon filing the return of the justice as mentioned in the preceding section, the circuit court shall have jurisdiction of the case. The parties may proceed to trial by jury without reference to any term of court upon all questions involved in such proceedings and the verdict or finding of the jury shall be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein, who do not appeal.

When appeal not to affect judgment.

When municipality may take property.

SEC. 18. Upon any dismissal of the appeal, or rendition of judgment in favor of the municipality after trial in the circuit court, said court shall confirm the proceedings and rights of the city to take and appropriate the lands of the appellant for

the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least fifty dollars more than the amount awarded to him before the justice, he shall pay costs to the city; otherwise the court shall award such costs to him or to the city as shall be just.

When appellant recovers judgment.

SEC. 19. It shall be the duty of the city clerk to procure copies of any judgment of confirmation of the circuit court or of the justice of the peace after the same has become final as well as of the report and findings of the jury, and the same shall be recorded in a book of records to be kept by him, and the docket of such justice, or the judgment of said court, as well as the book of records of such proceedings kept by said clerk, or certified copies thereof, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired, and to confirm the same.

Who to procure copies of judgment and record same.

What to be presumptive evidence.

SEC. 20. When the verdict of the jury shall have been finally confirmed by the justice and the time in which to take an appeal has expired, or, if an appeal is taken and the judgment has been confirmed, thereupon, the proper and necessary proceedings in due course, shall be taken for the collection of the sum or sums awarded by the jury. If the council believe that a portion of the city in the vicinity of the proposed improvement will be benefited by such improvement, they may, by an entry in their minutes, determine that the whole or any just proportion of the compensation awarded by the jury shall be assessed upon the owners or occupants of real estate deemed to be thus benefited, and thereupon they shall, by resolution, fix and determine the district or portion of the city benefited and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of such taxable real estate, in proportion, as nearly as may be, to the advantage which such lot, parcel, or subdivision is deemed to acquire by the improvement. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, as is provided in this act for assessing, levying and collecting the expense of a public improvement when a street is graded. The assessment roll containing said assessments when ratified and confirmed by the council, shall be final and conclusive and *prima facie* evidence of the regularity and legality of all proceedings, prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same is made until payment thereof. Whatever amount or portion of such awarded compensation shall not be raised in the manner herein provided, shall be assessed, levied and collected upon the taxable real estate of the municipality, the same as other general

When verdict confirmed by justice.

Collection of sums awarded by jury.

When may be assessed against property benefited.

How assessed and collected.

When assessment roll to be evidence of legality.

When assessment to be lien on premises.

In case of sale of premises who may become purchaser.

When council to provide compensation.

City to pay persons amount awarded.

Duty of treasurer.

Council may provide money, how.

When money in treasury for such purpose.

Certificates, where to be filed.

When council may enter and take possession of property.

Proceedings in case of resistance.

Compensation of officers, jurors, witnesses, etc.

taxes are assessed and collected therein. At any sale which takes place of the assessed premises or any portion thereof delinquent for non-payment of the amount assessed and levied thereon, the city may become a purchaser.

SEC. 21. Within one year after the confirmation of the verdict of the jury or after the judgment of confirmation shall on appeal be confirmed, the council shall set apart and cause to be provided in the treasury, unless already provided, the amount required to make compensation to the owners and persons interested for the private property taken as awarded by the jury, and shall, in the resolution setting apart and providing said sum, if not already provided, direct the city to pay to the persons respectively entitled to the moneys so set apart and provided, to each, his or her portion, as ascertained and awarded by said verdict. And it shall be the duty of the treasurer to securely hold such money in the treasury for the purpose of paying for the property taken, and pay the same to the persons entitled thereto, according to the verdict of the jury, on demand, and not pay out the money for any other purpose whatever. The council may provide the necessary amount by borrowing from any other money or fund in the treasury and repay the same from money raised to pay the compensation awarded by the jury when collected, or otherwise, as they may provide. Whenever the necessary sum is actually in the treasury for such purpose, the treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded by the jury is actually in the treasury for payment of the private property taken in the case giving the title of the case. He shall cause one of the certificates to be filed in the office of the justice before whom such proceedings were had, or his successor, or in case an appeal has been had, then in the office of the clerk of the court in which the proceedings were had, and the other to be filed with the city clerk, which certificate shall be *prima facie* evidence of the matters therein stated. Whenever the amount of such compensation is in the treasury and thus secured to be paid, the council may enter upon and take possession of and use such private property for the purposes for which it was taken, and may remove all buildings, fences and other obstructions therefrom. In case of resistance or refusal on the part of any one to the council or their agents and servants entering upon and taking possession of such private property for the use and purpose for which it was taken, at any time after the amount of the compensation aforesaid is actually in the treasury, ready to be paid to those entitled thereto, the council, by the city attorney, may apply to the court, and shall be entitled, on making a sufficient showing to a writ of assistance to put them in possession of the property.

SEC. 22. Officers, jurors and witnesses in any proceedings under this chapter shall be entitled to receive the same fees and compensation as are provided by law for similar services

in an ordinary action at law in the justice courts of this State, and in cases of appeals the same fees and compensation as are provided by law for similar services in circuit courts.

SEC. 23. It shall be *prima facie* evidence as to who are owners of and persons interested in any property proposed to be taken in the proceedings instituted under this act, if the register or deputy register of deeds of the county shall testify in open court that he has examined the records and titles in his office, and states who such records show are the owners of and persons interested in such property, and the nature and extent of such ownership and interest; and an abstract of the title of such property, or of any parcel or parcels thereof, certified by the register or deputy register of deeds, shall also be *prima facie* evidence as to ownership, and persons having an interest in any such property, and the extent and nature of such interest.

Prima facie
evidence as
to who are
owners.

SEC. 24. In case there is on the private property taken a building or other structure, the same shall be sold by or under direction of the council; the amount produced by the sale shall belong and be paid to the fund for paying the compensation awarded for the property taken, and the council shall cause such amount to be credited and applied in reduction pro rata of the assessment and apportionment made to pay for the property taken.

In case of a
building on
property taken.

SEC. 25. Nothing in this chapter contained shall prevent said city from obtaining private property for any of the public uses herein specified by negotiation and purchase.

May take
property by
negotiation
and purchase.

CHAPTER XXVII.

BOARD OF FIRE AND WATER COMMISSIONERS.

SEC. 3. On the first day of May, eighteen hundred ninety-three, the mayor shall nominate five suitable and competent commissioners qualified as in the last preceding section mentioned, to constitute said board of fire and water commissioners, one for the year ending the first Monday in May, eighteen hundred and ninety-four two for the two years ending the first Monday in May, eighteen hundred ninety-five and two for the three years ending the first Monday in May, eighteen hundred and ninety-six and when such nominations shall have been confirmed by the city council as provided in section three of chapter six of this act, said commissioners shall thereupon be declared duly appointed, one of whom shall hold office until the first Monday of May, eighteen hundred and ninety-four, two shall hold office until the first Monday in May, eighteen hundred ninety-five, and two shall hold office until the first Monday in May, eighteen hundred ninety-six, and annually on the first Monday in May of each year thereafter there shall

Mayor to
appoint board
of fire and
water com-
missioners.

When declared
appointed.

Term of office.

be appointed for three years a successor or successors to the commissioner or commissioners whose terms of office shall then expire and said appointment of commissioners shall be made in accordance with the provisions of section three of chapter six of this act. Any member of said board may at any time be removed from said office of commissioner, by a vote of two-thirds of all the aldermen elect of said city for sufficient cause and the proceedings in that behalf shall be entered on the journals of the city council, provided that the said city council shall previously cause a copy of the charges preferred against said member sought to be removed, and notice of the time and place of hearing the same to be served on him at least ten days previous to the time so assigned, and an opportunity to be given him to make his defense personally and by counsel.

Removal of
commissioner.

Proviso.

CHAPTER XXVIII.

FINANCE AND TAXATION.

When city
unable to pay
judgment.

May issue
bonds.

Rate of
interest.

To provide
payment of
by tax.

Proceedings
of treasurer
in collecting
tax.

SEC. 29. Whenever any judgment or decree of any court shall be rendered or decreed against said city and the city shall be unable to meet the payment of such judgment or decree by reason of limitation of its power of taxation, then and in such case, it shall be lawful for the city council of said city to issue bonds to an amount not exceeding the sum of such judgment or decree and the taxed costs arising in the obtaining of such judgment or decree, together with the interest thereon which bonds may be made payable at such time and place and at such rate of interest not exceeding six per cent per annum, payable semi-annually, as shall be prescribed by the city council and such bonds shall be sold and disposed of at not less than their par value in such manner as may be deemed advisable by the city council. And the said council shall provide for the payment of said bonds with interest thereon, at maturity by tax on all the taxable property in said city of Gladstone.

SEC. 15. For the collection of all taxes, the city treasurer shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships, and shall for that purpose have all the powers and authority conferred by law upon township treasurers for such purposes, and shall when necessary enforce the payment of the tax against any person by distress and sale of his or her goods and chattels, if any such can be found anywhere within the county, and in case it shall be necessary for the treasurer to enforce the payment of taxes by distress and sale of goods and chattels, it shall and may be lawful for the city treasurer to place such tax roll and warrants, or any warrant, for the collection

of taxes in the hands of the city marshal, who shall have all the powers and shall perform all the duties of the city treasurer in the premises for the collection of the taxes, and the said city marshal shall make all reports of his doings to the city treasurer and pay to the city treasurer all taxes collected, and the treasurer shall be responsible for the actions and defaults of the city marshal and the fees for the collection of taxes by the city marshal shall be paid to the city treasurer.

When marshal
to perform
duties of
treasurer.

CHAPTER XXIX.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

SEC. 3. The mayor, the supervisors of the several wards, city attorney and city assessor, shall constitute a board of review of the assessment roll of the city, but the assessor shall have no vote therein. In case of the sickness or disability of either of said supervisors the alderman in his ward whose term of office soonest expires shall act in his place and in case of the sickness or disability of the mayor the president pro tem of the city council shall so act. The mayor shall be chairman of said board. A majority of said board of review having a vote thereon shall constitute a quorum for the transaction of business but a less number may adjourn from day to day and a majority vote of those present having a vote thereon shall decide all questions. On the second Monday of June, in each year, the board of review of said city shall meet at the city council room, at which time the city assessor shall submit to said board the assessment roll for the current year as prepared by him and the said board shall proceed to examine and review the same and during that day and the following day if necessary, said board on its own motion or on sufficient cause being shown by any person shall add to said roll the names of persons, the value of personal property and the description and value of real property liable to assessments in said city omitted from such assessment roll. They shall correct all errors in the names of persons, in the description of property upon such roll and in the assessments and valuation of property thereon and they shall cause to be done whatever else may be necessary to make said roll comply with the general tax laws of this State. The board shall pass upon each valuation and each interest and enter the valuation of each as fixed by it in a separate column. The roll as prepared by the assessor shall stand as approved and adopted as the act of the board of review except as changed by vote as herein provided.

Who to con-
stitute board
of review.

When alder-
men may act.

Mayor to be
chairman.

When board
shall meet.

Duties of
board.

SEC. 4. The notice of the time and place of the meetings of said board shall be given by the city clerk by publication in one of the newspapers of the city or by posting three printed

Notice of
meeting to
be given.

Council room
to be meeting
place.

Powers of
board.

Second meet-
ing of board.

How long to
continue
session.

Shall correct
assessment.

To sign
statement.

Form of
statement.

notices in each of the wards of the city at least ten days before the time for the review. On the days for the meetings of the board of review, it shall meet at the city council rooms at nine o'clock in the forenoon of each day and continue in session not less than six hours. Said board at twelve o'clock noon on each day it may be in session shall adjourn for one hour and thirty minutes. Said board shall possess and exercise all the powers and perform the same duties in all respects as boards of review of townships, in reviewing and correcting assessments made by supervisors of townships except as in this act otherwise provided and any member of said board is hereby authorized to examine on oath any person who shall make any application to said board and also to administer any oath to any such person or persons who may be required to file any affidavit with them or either of them.

SEC. 5. Said board of review shall also meet at the same place on the third Monday of June at nine o'clock in the forenoon and continue in session during the day and the two days following. Such board shall continue its session at least six hours a day as aforesaid, and at the request of any person whose property is assessed thereon or of his agent and on sufficient cause being shown shall correct the assessment as to such property in such manner as in their judgment will make the valuation thereof relatively just and equal. To that end said board may examine on oath the person making such application or any other person touching the matter. Any member of said board may administer such oath. After said board shall complete the review of said roll, a majority of said board shall endorse thereon and sign a statement to the effect that the same is the general assessment roll for said city for the year in which it has been prepared and approved by the board of review. Said statement may be in the following form, viz.:

Assessment roll of the city of Gladstone for the year
as approved by the board of review.

Dated

Board of Review.

Any of the members of said board may make such certificate from such knowledge as they may possess or are able to obtain from the supervisor of the ward where such property is located, or can acquire while sitting on said board.

CHAPTER XXXII.

LIGHTING.

SECTION 1. It shall be lawful for the city to acquire by purchase or to construct, operate and maintain in connection with the water works of said city either within or without the city, works for the purpose of supplying such city and the inhabitants thereof or either, with gas, electric or other lights at such time and on such terms and conditions as are hereinafter provided, which works shall be operated by the board of fire and water commissioners.

City may acquire and maintain lighting plant

SEC. 2. Whenever the city council shall by resolution declare that it is expedient for the city to acquire by purchase or to construct as the case may be, works for the purpose of supplying such city and the inhabitants thereof, or either, with gas, electric or other lights, then such council shall have power to take such action as shall be deemed necessary to accomplish such purpose.

Power of council relative to lighting.

SEC. 3. In case the council shall declare that it is expedient for the city to acquire by purchase or to construct, as the case may be, works for the purpose of supplying the city and the inhabitants thereof, or either, with electric or other lights, then the city council shall cause to be made and recorded in their proceedings an estimate of the expenses thereof.

Who to estimate expense of plant.

SEC. 4. On and after the passage and approval of this act it shall be lawful for the city council, in addition to the present indebtedness of the city and exceeding the limitations provided for in section nineteen of chapter twenty-eight of this act as amended, to borrow the sum of seven thousand dollars to be used exclusively for the purpose of purchasing or constructing and maintaining such lighting works as provided in the preceding sections of this chapter. The city council shall have power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter and to issue bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, payable semi-annually, and issued for a term not in excess of twenty years from date of issuing, provided such bonds shall not be sold for less than their par value. And the said council shall provide for the payment of said bonds with interest [then] thereon at maturity by tax levied on all taxable property in said city of Gladstone.

When lawful for council to borrow money.

Bonds, issue of, rate of interest.

Who to provide for payment of by tax.

SEC. 5. After lighting works have been purchased or constructed as aforesaid in said city, the city council may then raise and expend in making repairs or alterations or in extending such works such sum or sums of money as may be deemed advisable and necessary [by the said board of fire and water commissioners,] but the said sum to be so raised in any one

When council may raise money for repairs.

year shall be included in and shall not increase the total amount which by the provisions of section five of chapter twenty-eight of this act, the city council is authorized to raise.

Council to fix rates for light service, when.

SEC. 6. The city council shall fix such just and equitable rates as may be deemed advisable for supplying the inhabitants of said city with lights; and shall annually, in the month of September, at the time of the passage of their appropriation bill, fix such rates, for the calendar year next ensuing.

How may take private property for.

SEC. 7. If it shall be necessary, in the judgment of the city council to appropriate private property either within or without the city for the construction and maintenance or for the operation of lighting works, the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public use.

Council may provide by ordinance, etc., for care of plant.

SEC. 8. The city council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection and preservation of the lighting works, including the buildings and machinery, all the fixtures, apparatus, and appurtenances thereto belonging; and to carry into effect the provisions of this chapter and the powers herein conferred in respect to the erection and purchase thereof, and the city council shall have power to perfect and make any changes or improvements in and about the pumping houses, machinery, and apparatus for the water works, which they may deem needful in the construction, perfection, operation or maintenance of the lighting system upon the written request of said board of fire and water commissioners. The city council shall have power to make such directions in the premises as may be necessary to carry out the provisions of this chapter.

Powers of council in making changes, improvements.

This act is ordered to take immediate effect.

Approved March 18, 1897.

[No. 350.]

AN ACT to authorize the Home Mutual Insurance Company (limited) to assume the liabilities and re-insure the risks of The Home Mutual Fire Insurance Company of Bay, Arenac and Ogemaw counties, and to insure detached manufacturing and mercantile risks.

Risks of company transferred.

SECTION 1. *The People of the State of Michigan enact*, That The Home Mutual Insurance Company (limited) be and the same is hereby authorized to assume the liabilities and re-insure the risks of The Home Mutual Fire Insurance Company of Bay, Arenac and Ogemaw counties, and to insure detached manufacturing and mercantile risks.

This act is ordered to take immediate effect.

Approved March 18, 1897.

[No. 351.]

AN ACT to amend sections four, six, nine, nineteen, thirty-one, thirty-three, thirty-five, forty-four, forty-eight and ninety-five of act number two hundred and forty-nine of the local acts of eighteen hundred and seventy-one, entitled "An act to incorporate the city of Alpena," approved March twenty-ninth, eighteen hundred and seventy-one, as amended.

SECTION 1. *The People of the State of Michigan enact, That* sections four, six, nine, nineteen, thirty-one, thirty-three, thirty-five, forty-four, forty-eight and ninety-five of act number two hundred and forty-nine of the local acts of eighteen hundred and seventy-one, entitled "An act to incorporate the city of Alpena," approved March twenty-ninth, eighteen hundred and seventy-one, as amended, be amended so as to read as follows:

SEC. 4. At the annual election to be held in said city in the year eighteen hundred and ninety-seven, there will be elected one alderman in each ward by the electors thereof, who shall hold his office for the term of two years, and until their successors shall be elected and qualified; and at each annual election thereafter to be held, one alderman shall be elected in each ward by the electors thereof, who shall hold his office for the term of two years and until his successor shall be elected and qualified; and at the annual election in the year eighteen hundred and ninety-seven, and each annual election thereafter, there shall be elected in each ward by the electors thereof, one supervisor, who shall hold his office as provided in section three, and one constable, who shall hold his office for the term of one year, and until their successors shall be elected and qualified. Each of the said supervisors shall be the supervisor of the ward of which he is elected, with all the powers of supervisors of townships of this State, and subject in all respects to the provisions of law regulating the duties of township supervisors, except as in this act otherwise provided.

SEC. 6. The mayor, recorder and [aldermen] alderman, when assembled together and organized, shall constitute the common council of the city of Alpena; and a majority of the [aldermen] alderman elect, with the mayor or other person officiating as mayor, (in case of a vacancy in the office of mayor, or of his absence from the city or inability to officiate), or recorder, shall be necessary to constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and the common council may be summoned to hold their meetings at such time and place as the mayor, or person officiating as mayor, or recorder may appoint. The common council shall have power to send for and compel the attendance of any of their members,

Sections amended.

Ward officers and terms of office.

Annual election, who to be elected.

Supervisors, powers and duty.

Common council, who to constitute.

May impose fines for non-attendance.

Duty of council at first meeting in April each year.	and to impose, levy and collect such fines as they may deem proper, not exceeding five dollars, for the non-attendance at any meeting of any officer of the corporation who has been duly notified to attend the same. The common council shall, at its first meeting in the month of April, in each year, or within ten days thereafter, elect by ballot one of their number who shall be known as president of the council and who shall possess the same powers and perform and discharge the municipal duties of mayor during the absence, inability, death, resignation or removal of the mayor. The mayor, when present, shall preside at the meetings of the common council, and in his absence the president of the council shall preside; but if both the mayor and president of the council be absent, then the common council shall appoint one of their number who shall preside. The recorder shall keep a record of the proceedings of the meetings of the council, but neither the mayor or person officiating as mayor, or recorder, shall have a right to vote on any question, except in case of a tie, when the mayor or other person officiating as mayor shall have a vote; and no alderman shall be allowed to vote on any question in which he has a direct personal interest, but upon all other questions he shall vote. In case of absence of the recorder from any meeting of the common council, the members present may appoint a recorder <i>pro tempore</i> .
Who to preside at council meetings.	
Recorder, duties of. Who to vote at meetings of council.	
Recorder pro tempore.	
Council to control finances, property, etc.	SEC. 9. The common council, in addition to the powers and duties specially conferred on them by this act, shall have the management and control of the finances, rights and interests, building and all property, real and personal, belonging to the city, and make such orders, by-laws or ordinances relating to the same as they shall deem necessary and proper. They shall also have power within the limits and jurisdiction of said corporation:
To preserve purity of waters of Thunder bay.	<i>First</i> , To provide for and preserve the purity and salubrity of the waters of Thunder bay and Thunder Bay river; to prohibit and prevent the depositing therein of sawdust, slabs, [shingle] shingles, shavings, edgings, and all filth and other matter tending to render said waters impure, unwholesome and offensive; to prevent and regulate the navigation of said river and other navigable waters within the limits of said city; to prohibit and prevent the depositing or keeping therein any structure, earth or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may at any time occur therein; and to direct and regulate the stationing, anchoring, moving, shifting, and mooring of vessels, and laying out of cargoes and ballast from the same, and to appoint so many harbor masters as they may deem necessary, and to prescribe their powers, duties and compensation;
Regulate navigation.	
To appoint harbor master.	
To regulate ferries.	<i>Second</i> , To license, continue and regulate so many ferries and bridges within said city, over Thunder Bay river, for carrying and transporting persons and property across said river,

in such manner as shall seem most conducive to the public good;

Third, To erect, construct, repair and regulate public wharves docks and bridges at the ends of streets, and on the property of the corporation, and issue the bonds of the city therefor; to regulate the erection and repair of private wharves and docks, so that they shall not extend into the Thunder bay and Thunder Bay river beyond a certain line, to be established by the common council, and to prohibit the encumbering of all public docks, wharves and bridges within the limits of said corporation;

To regulate and erect wharves.

Fourth, To lease the wharves and wharving privileges at the ends of streets on Thunder Bay river, and the shore of Thunder bay, in said city, upon such terms and conditions, and under such covenants and with such remedies in case of non-performance as the common council may direct; but no buildings shall be erected thereon, and no lease thereof shall be executed for a longer period than twenty years, and a free passage shall at all times be secured for persons with their baggage over said public wharves;

To lease same.

Fifth, To provide for the draining of any swamp, marsh, wet or low lands in said city, by the opening of ditches; but a jury of not less than twelve disinterested freeholders of the county of Alpena, before any proposed ditch can be opened, shall ascertain that the opening thereof is necessary or proper; also whether the benefit which shall accrue to the owner or owners of any land, from the opening of the ditch, will or will not be equal to any damages he or they will sustain thereby. If such benefits are exceeded by the damages, they shall ascertain and certify the damages to which the owner or owners will be entitled, after deducting therefrom the amount of benefit their lands will receive from the opening of the proposed ditch. On payment or tender of the damages thus ascertained and certified, the common council shall have the power to enter upon any land through which the proposed ditch will run, with the necessary agents, teams and implements to cut and open said ditch; to protect, clean and scour it from time to time, so as to preserve the original dimensions and to prohibit and prevent all obstructions thereof or injury thereto;

To provide for drainage.

Sixth, To prohibit and prevent the location, construction, repair or the building of any addition thereof to any wooden or frame house, store, shop or other building on such streets, alleys and places, or within such limits within said city as the common council may from time to time prescribe; to prohibit and prevent the removal of wooden or frame buildings from any part of said city to any lot in such streets, alleys or places, or within said limits, and the repair or rebuilding of the same; to prevent the rebuilding and repairing of wooden buildings on said streets, alleys and places, or within said limits, when damaged by fire or otherwise;

To prescribe fire limits.

- To appoint inspectors.** *Seventh,* To appoint one or more inspectors, measurers, weighers and gaugers of articles to be measured, inspected, weighed and gauged; to prescribe and regulate their powers and duties, fees and compensation;
- To provide for care of paupers.** *Eighth,* To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing, in vessels or in other mode, to said city from any other port or place, any pauper or other person likely to become a charge upon said city, and to punish therefor;
- To erect city hall.** *Ninth,* To erect and provide for the erection of a city hall, and all needful buildings and offices, for the use of the corporation or its officers, and to control and regulate the same, and to purchase the necessary real estate on which to erect the same;
- To prevent vice.
To maintain a police.** *Tenth,* To prevent vice and immorality, to preserve public peace and good order, to appoint, organize, regulate and maintain a police of the city, and to prevent and quell riots, disturbances and disorderly assemblages and conduct;
- To restrain gaming houses.** *Eleventh,* To restrain and prevent disorderly and gaming houses, and houses of ill-fame, and the persons engaged in keeping the same, the holding, keeping or using of all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate, license or restrain billiard tables and bowling alleys;
- To prohibit sale of liquors.** *Twelfth,* To prohibit the vending or giving away of spirituous or fermented liquors and to license and regulate the sale thereof, whenever such sale shall hereafter be authorized by the laws of the State;
- To restrain drunkards.** *Thirteenth,* To apprehend, restrain and punish all drunkards, vagrants, mendicants, street beggars, prostitutes, and persons soliciting alms or subscriptions for any purpose, and to punish and prevent all intoxication and disorderly conduct;
- To regulate exhibitions.** *Fourteenth,* To prohibit and prevent or license and regulate the public exhibition of itinerant persons or companies, or natural or artificial curiosities, caravans, circuses, menageries, theatrical representations or companies, concerts, musical entertainments, exhibitions of common showmen and dollar stores, and prohibit and prevent mock auctions, gift stores or enterprises, or lotteries;
- To abate nuisances.** *Fifteenth,* To prohibit, prevent, abate and remove all nuisances with in said city, and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher shop or stall, soap factory, glue factory, tannery, slaughter house, stable, privy, hog-pen, sewer, or other offensive house or place, to cleanse, remove or abate the same as often as they may deem necessary for the health, comfort and convenience of the inhabitants of the city;
- To regulate location of markets and storing combustibles.** *Sixteenth,* To direct and regulate the location and maintenance of all slaughter houses, markets and buildings for storing gunpowder, and other combustible substances, and to prohibit or regulate the buying, selling, keeping for sale, stor-

ing or transporting gunpowder, naphtha, saltpeter, benzole, petroleum, kerosene oil, fire-works, fire-crackers, and all other combustible substances, and the using thereof; the use of lights in barns, stables and other buildings, and the making of bonfires;

Seventeenth, To prevent the incumbering or obstruction of streets, side or cross walks, lanes, alleys, bridges, wharves or slips, in any manner whatsoever, and to compel persons owning or occupying adjacent premises to keep the streets and sidewalks in front of such premises free from dirt and obstructions;

To prevent incumbering of streets.

Eighteenth, To prevent immoderate riding or driving in any street; to compel persons to fasten or secure their horses, oxen, or other animals while standing in any of the streets, lanes or alleys of the city; and to prevent persons from riding or driving upon or across any sidewalk, and to compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow, dirt, wood, or other obstructions;

To prevent immoderate driving.

Nineteenth, To prevent and regulate the running at large of dogs, to impose taxes for the keeping of dogs, to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance;

Relative to dogs.

Twentieth, To restrain and regulate the use of locomotives, engines and cars upon railroads within the city, and to determine, designate, or cause to be changed the routes and grades of any railroad now or hereafter to be laid in any street of the city; to authorize and regulate the construction and running of street railways in any of the streets in said city;

Regulate railroads and cars.

Twenty-first, To prohibit and prevent in the streets or elsewhere in said city, indecent exposure of the person, the show, sale or exhibition of any indecent or obscene books, pictures or pamphlets, and all indecent and obscene exhibitions or shows of any kind, and all indecent, immoral, profane or disorderly conduct or language, and to prohibit or regulate the bathing in any public waters within or adjoining said city;

To prevent indecent exposure.

Twenty-second, To establish, regulate and maintain one or more pounds, and to restrain or prevent or regulate the running at large of horses, cattle, swine, and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding;

Pounds and impounding of animals.

Twenty-third, To prevent every species of gambling, and to prevent the violation of the Sabbath, and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose;

Violation of the Sabbath.

Twenty-fourth, To protect and regulate all cemeteries or graveyards within the city, and all such without the limits of said city as such corporation may acquire, and to regulate the burial of the dead, and the keeping of bills of mortality;

To regulate cemeteries.

Offensive substances.	<i>Twenty-fifth</i> , To prohibit the bringing or depositing within the limits of said city, any dead carcass or any other unwholesome or offensive substances, and to provide for the removal or destruction thereof wheresoever found;
To regulate markets.	<i>Twenty-sixth</i> , To lay out, establish, make, alter and regulate market places and public parks or grounds, and regulate the measuring and selling of firewood, and the weighing and selling of hay, and the selling of meats, vegetables, fish, fruits, and provisions of all kinds;
Shade trees.	<i>Twenty-seventh</i> , To regulate the setting of awning and other posts, and to direct and regulate the planting of shade and ornamental trees in the streets and other public grounds, and to provide for the preservation of the same;
Meetings of electors, compensation of officers.	<i>Twenty-eighth</i> , To provide for calling of meetings of the electors of the city, and to determine and regulate the compensation of all officers elected or appointed under this act, except as herein otherwise provided; but the compensation of no officer fixed by an annual or periodical salary shall be increased or diminished during the term for which he was elected or appointed, unless by a two-thirds vote of the common council; to authorize and regulate the demand and receipt by officers of such fees and costs, and in such cases as the common council shall deem reasonable, and to prescribe, fix, determine and regulate the powers and duties of all officers of the city, subject to the provisions of this act;
Boundaries of streets, etc.	<i>Twenty-ninth</i> , To survey, ascertain and establish the boundaries of the city, and all highways, streets, avenues, lanes, alleys, parks, squares, and spaces of said city; to prohibit and remove all encroachments upon the same in any manner, and to number the buildings;
Public houses, regulation of.	<i>Thirtieth</i> , To license and regulate the keeping of hotels, taverns and other public houses, groceries and keepers of ordinaries, saloons and victualing houses, or places for furnishing meals or food; to restrain, license and regulate saloons, and to regulate and prescribe the location thereof; to regulate and restrain keepers of billiard tables and bowling alleys; also to license and regulate or prohibit auctioneers, hawkers, peddlers, and pawn brokers and to regulate auctions, auctioneers, hawking and pawn brokerage;
Auctioneers.	<i>Thirty-first</i> , To license and regulate butchers and keepers of shops, stalls and stands for the sale of meats, vegetables, and provisions of all kinds; and all draymen, common teamsters, hackmen, and all persons who carry or transport persons or property for hire; to designate stands for all carriages, carts or drays, used in carrying persons or property for hire, and prescribe their fare and compensation;
To regulate shopkeepers.	<i>Thirty-second</i> , To regulate the weights and measures used in the city, to appoint one or more sealers of weights and measures, and prescribe the duties and powers thereof, and the
Hacks, etc.	
Weights and measures, to regulate.	

penalty for using false weights and measures, not conforming to the standard as established by the laws of this State;

Thirty-third. To assess, levy and collect taxes for the purposes of the corporation upon all property made taxable by the law for State purposes, which taxes shall be a lien upon both the real estate and the personal property taxed, from the second Monday of July following the assessment thereof, until paid; to appropriate money, provide for the payment of the debts and expenses of the city, and make regulations concerning the same; To levy taxes.

To appropriate money.

Thirty-fourth. To punish all offenders for violation of or offenses against this act, or any by-law or ordinance adopted or passed under this or any other act of the legislature, by holding to bail for good behavior, by imposing fines and costs, and by imprisonment in the jail of Alpena county, or any jail, prison or workhouse of said city, or by imprisonment in the Detroit House of Correction or State House of Correction and Reformatory at Ionia, or by either such fine and imprisonment, in the discretion of the court before which said conviction may be had. If only a fine is imposed, with or without costs, the offender may be sentenced to imprisonment until the payment thereof, for a term not exceeding three months. All punishment for offenses against the ordinances of the common council shall be prescribed in the ordinance creating or specifying the offense to be punished, and no fine shall exceed three hundred dollars, and no imprisonment shall exceed one year; To punish offenders.

Limit of fines and imprisonment.

Thirty-fifth. To employ all persons confined for the non-payment of any fine, penalty, forfeiture or costs, or for any offense under this act, or any ordinance of the common council, in any jail, workhouse or prison, at any work or labor either within or without the same, or upon any street or public work under the control of the common council, and at the expense of said city; to allow any person thus confined for the non-payment of any fine, penalty, forfeiture or costs, to pay and discharge the same by such work and labor, and to fix the value and price of such work and labor, and to fix the value and price of such work at not less than one dollar for each day of labor of eight hours. The said common council shall have power to make all such other by-laws, ordinances and regulations as they deem necessary for the safety and good government of the city, and to preserve the health and property of the inhabitants thereof. They shall also have power to purchase for the use of the city, so much lands without the limits of the city as may be required for the purpose of a cemetery, the same to be located not exceeding four miles beyond the boundary of the city; and in case said council is unable to agree with the owner or owners for the purchase of such lands, they shall have the right to acquire the title to the same for the city, in the manner and by the proceedings, as To employ offenders on street.

Power to make ordinances, etc.

May purchase land for cemetery.

Appointment of police commissioner.	near as may be, as is prescribed in this act relative to laying out or altering streets, lanes or alleys;
Term of office.	<p><i>Thirty-six,</i> The common council shall have power, and they shall, after the annual election in eighteen hundred and ninety-four, at first regular meeting of council in May, and before June first, eighteen hundred and ninety-four, appoint a board of police commissioners, composed of five electors of said city; one of said commissioners to be designated by said council at the time of such appointment shall hold such office for one year from and after said date; one to be likewise designated shall hold such office for two years; one to be likewise designated shall hold such office for three years, and one to be likewise designated shall hold such office for four years, and one to be likewise designated shall hold such office for five years from said first day of June, eighteen hundred and ninety-four. And hereafter, in each and every year, the common council shall, between the annual election and first day of June, appoint a successor, who shall be an elector of said city, to the member of said board whose term of office shall expire on the first day of June, of that year. Each of said persons so appointed shall hold such office for the period of five years from and after the first day of June, in the year in which he was appointed, and until his successor is appointed and qualified; and all vacancies occurring in said board shall be filled in said manner as the original appointments. Each of said commissioners shall, before entering upon the duties of such office, take and subscribe the constitutional oath of office, and file the same with the recorder. Said commissioners shall receive no compensation for their services;</p>
When to appoint successor.	
To hold office for five years.	
To take oath.	
Relative to sidewalks to be kept free from ice, snow.	<p><i>Thirty-seventh,</i> To compel, within such limits or along such streets in said city as the common council shall prescribe, all owners or occupants of lots, blocks or parcels of land, within said limits or along said streets, to clear the sidewalks in front of and adjacent thereto, of snow, ice, dirt, mud, boxes and every encumbrance or obstruction thereof; and in case of land owned by non-residents, and of land belonging to churches, corporations, charitable and other like associations, and of land in the hands or control of executors, administrators, guardians, assignees, trustees or agents, and in all other cases where snow, ice, dirt, mud, boxes, encumbrance or obstruction is or are not removed within the time required and prescribed by ordinance, the common council shall have full power to cause removal of the same, and cause the expense of such removal to be assessed, levied and collected from the abutting property, in the same manner as assessments are made, levied and collected for the repair and construction of sidewalks. And any assessment so made shall be a lien upon the property assessed at the time when the same is due and payable.</p>
Assessment to be a lien upon property. Powers relative to paving, opening street, alleys.	<p>SEC. 19. The common council shall have power to cause the expense of making, grading, paving and opening the streets, lanes and alleys; of building, repairing, grading, pav-</p>

ing or planking sidewalks, or making drains, sewers and other local improvements, to be assessed against and paid by the owner of the lot or premises which are in front or adjoining such improvements, and against any other lots or premises which are in the opinion of the common council benefited thereby, or by special tax. The common council shall also have the power to make by-laws and ordinances relative to the mode of assessing, levying and collecting such tax, and they may by such by-laws and ordinances provide that the real estate assessed for any such improvement may be sold to pay such assessment, or that the city of Alpena may sue for and collect in any court of competent jurisdiction, the amount of such assessment from the owner of any lot or premises assessed therefor. The common council shall not have power to cause either the cost of repairing or the building of any sidewalk to be paid out of any general street fund or any sewer fund of said city.

Assessed
against who.

May make
by-laws and
ordinance
relative to
assessment
and collection
of taxes

SEC. 31. The mayor shall, by virtue of his office, be authorized to take the acknowledgement of deeds and other instruments in writing; to administer oaths and affirmations, perform marriage ceremonies, and do all other like acts that justices of the peace are by law authorized to do, and may affix to any official certificate the seal of the city. No ordinance, vote, motion or resolution passed by the common council shall have any force or effect if within twenty-four hours after its passage the mayor or other officer legally discharging the duties of mayor, shall lodge in the office of the recorder, his reasons in writing why the same should not go into effect, and the same shall not go into effect, nor have any legal operation, unless it shall, at a subsequent meeting of the common council, be passed by a majority of two-thirds of all the aldermen of said city then in office, and if so repassed, shall go into effect according to the terms thereof. And no ordinance, vote, motion or resolution of the common council shall go into operation until after the expiration of twenty-four hours after its passage, unless the mayor or other officer legally discharging the duties of mayor, shall sooner announce in writing, to be filed with the recorder, his approval. The power of the mayor to veto any ordinance, vote, motion or resolution passed by said common council, as in this section provided, shall not only apply to the veto of the entire of any such ordinance, vote, motion or resolution, but said mayor shall have the power, in like manner, to veto any separate or distinct part of any such ordinance, vote, motion or resolution, in which event the part or portion so vetoed shall not go into effect, unless in the manner in this section provided for it be repassed; but the remainder and unvetoed part or portion of such ordinance, vote, motion or resolution shall go into effect as if no veto had been interposed by said mayor. Whenever the mayor shall, as in this section provided, lodge in the office of the recorder his written reasons why any ordinance, vote, motion or resolu-

Mayor, powers
vested in.

Vote required
for passage of
ordinance.

Power of mayor
to veto any
ordinance.

Written
reasons for
veto to be
filed with.

tion passed by the common council shall not go into effect, such written reasons shall be filed by the recorder in his office, who shall endorse thereon a memorandum of the day and hour of the receipt thereof. Such written reasons shall be printed and published in the next issue of the official newspaper of said city, with the proceedings of the common council at its next session, and such written reasons, when so filed, shall be a public record and open at all times to public inspection.

To be published, to be a public record.

Who to be clerk, duties of.

Compensation of.

Ordinance relative to fine and imprisonment, when to take effect to be published.

President of council, powers and duties of.

Controller, duty of, relative to taxes.

City tax roll.

When roll to be delivered to treasurer.

SEC. 33. The recorder shall be the clerk of the common council, and shall give bond for the faithful performance of his duties in such sum as the common council shall, by ordinance, direct; and shall keep a record of their proceedings, in the proper books provided therefor, and shall open and keep the books of account, and such other books of receipts and expenditures, as the common council may direct, and in such form and manner as they may order. He shall also perform for the city, all such duties as township clerks are required by law to perform for the several townships, and for such services he shall receive the same fees and compensation as they are entitled to receive, under the laws of this State. He shall keep a record of any ordinance enacted, and of the time of its publication, which record shall be signed by the mayor and recorder. It shall also be the duty of said recorder to communicate to the common council at the next meeting of the same, any paper that may be lodged with him, pursuant to section thirty-one. No ordinance subjecting any person to a fine or imprisonment shall take effect until it shall have been published for at least one week in a newspaper published in said city.

SEC. 35. The president of the council shall possess the same powers and perform and discharge the municipal duties of the mayor during his absence, inability, death, resignation or removal from office. In case of a vacancy in the office of mayor, such office shall be filled at the next annual election under this charter.

SEC. 44. The said comptroller shall deliver the assessment roll to the said board of review at their first meeting, and after the same shall be confirmed by resolution of said board, to be entered on their records, the said comptroller shall again take such roll into his possession, and cause the amount of all taxes, in dollars and cents, authorized to be assessed and collected in each year for city, school, and highway purposes, and all other corporation taxes not herein otherwise provided for, to be ratably assessed to each valuation in said roll or book prepared for that purpose, to be known as the city tax roll, in separate columns, showing the amount of city, school, highway and other taxes assessed according to this act to each valuation in each year, and when the said tax roll has been completed, and on the second Monday of July of each

year, the comptroller shall cause the same to be delivered to the city treasurer, who shall give a receipt therefor, and be charged therewith, who shall retain said tax roll in his office until the first day of September next thereafter; upon the receipt of the tax roll by the city treasurer, as herein provided, the taxes therein stated shall become due and payable, and during the first twenty days after said treasurer shall have received the said tax roll, any person assessed therein may pay the amount of taxes assessed against each person or description respectively to said treasurer, free from any charges or percentage for collection. Said treasurer shall receive and give receipt therefor, and mark the same paid upon the roll, with the date of payment. The treasurer shall add to the sums extended on the roll the sum of one per cent as fees for the collection of such taxes and assessments as shall be paid to him after the first twenty days, up to and including the thirty-first day of August in each year; within ten days after the first day of September in each year, the comptroller shall cause to be made out a copy of so much of the assessment or tax roll as remains due and unpaid, filing the original in his office. The treasurer shall add such percentage (not exceeding four per cent) as shall have been fixed by the common council, to be paid to the said treasurer as compensation for the collection of such taxes or assessments. No addition shall be made to taxes paid before the first of September, except the fees for compensation above allowed to the city treasurer for collection; but an addition of one per cent of every unpaid tax shall be made thereto on that day, and a like addition of one per cent on the first day of each month thereafter, until such addition shall amount to six per cent of such tax; and upon the receipt of any such tax after the said first day of September above specified, it shall be and is hereby made the duty of said city treasurer to demand of, collect and receive from any party paying the same the above addition of interest hereinbefore provided, as interest for the non-payment of said taxes or assessment on or before the thirty-first day of August, and upon receipt of any tax and the accrued interest thereon, as hereinbefore provided, the treasurer shall mark the same paid upon the roll, with the date of time of such payment, and shall give a receipt therefor. The comptroller shall annex or attach his warrant to said tax or assessment roll, so made out, on the second Monday of July, directed to the treasurer of the city, and made returnable upon the last Saturday of October then next following, commanding him to collect from the persons named in the assessment or tax roll the assessment or taxes therein specified and set forth as due and payable from such persons, together with the accrued interest thereon due, in accordance with the provisions of this section, together with his fees for such collections up to the date of such payment or collection of such tax, and for such purpose, if necessary, to levy upon and sell the personal property of such person,

When taxes to become due.

When may be paid without percentage.

Fees allowed for collection of taxes.

When to add extra percentage.

Limit of percentage to add.

Duty of city treasurer after 1st of September.

Who to attach warrant to July tax roll directed to treasurer.

Commanding treasurer to collect.

May levy and sell personal property.

Taxes unpaid to be charged to.

Warrants for collection of tax may be extended.

Payment of general tax not to extend beyond March 1.

Duty of city treasurer relative to taxes unpaid March 1.

When to make return to county treasurer.

Sale and redemption of real estate.

Duty of controller when assessment roll confirmed.

occupant, or lessee refusing or neglecting to pay the same, whenever or wherever the same may be found within the limits of the county of Alpena, and to pay over and account for the taxes and assessments then collected, according to law. The comptroller shall charge the amount of taxes remaining unpaid upon the said roll to the treasurer of said city receiving the same, and shall also take a receipt therefor. Warrants for the collection of taxes or assessments may be extended or renewed from time to time, as the common council shall direct; but the time for the payment of any general tax shall not be extended beyond the first day of March, following the time when such tax shall have become due and payable. If any of the taxes or assessments mentioned and described in the said tax roll remain unpaid on the first day of March, next following the time when any tax may become due and payable, and the city treasurer shall be unable to collect the same from the owner or occupant of the premises assessed, he shall make out a statement of the taxes so remaining due and unpaid, with a full and perfect description of such premises from said tax roll, and said treasurer shall add to every such tax six per cent of the amount thereof, as stated in the said roll, and the amount of the tax and of such additions as are hereinbefore specified shall be thenceforth the unpaid tax, and such city treasurer shall, on said first day of March, make return of the same to the county treasurer as delinquent for such taxes and accrued interest, as hereinbefore provided, and all the proceedings for the return, sale and redemption of real estate for the non-payment of said taxes and interest shall be in conformity with the proceedings for the return, sale and redemption of real estate by township officers, except as herein otherwise provided. All interest collected by said treasurer upon any unpaid and due tax under the provisions of this section shall be placed to the credit of the general fund of the city.

SEC. 48. When said assessment roll shall have been confirmed by the board of review, as mentioned in section forty-two, it shall be the duty of the controller to make a copy of the same as confirmed, to be certified by the controller, and retain the same until after the equalization thereof by the board of supervisors of Alpena county, which is hereby declared to be the assessment roll for all purposes whatever, except for the purpose of extending the assessment roll for the collection of city taxes, as provided in section forty-three, and the controller shall extend upon the same all said county taxes certified to him from the board of supervisors, at the same time and in the same manner as township supervisors are or may be by law required to do, and shall annex thereto a warrant signed as provided in section forty-three, and in all other respects the same as may be by law required in warrants of township treasurers for the collection of township and

county taxes. The treasurer shall, within ten days after the expiration of his warrant, make a full return of all taxes collected by him, and of all descriptions of real estate delinquent for taxes, in the same manner as township treasurers are now or may be by law required to make to the county treasurer, which return shall be made under oath, and filed with the county treasurer, and a copy thereof filed with the city recorder. The taxes assessed for city purposes upon any real estate or personal property of any resident or non-resident, and all legal charges made thereon, shall be a charge against the person owning the same on the second Monday of July, following such assessment, as herein provided, and shall be a first lien on said real estate and on said personal property from the second Monday of July, of the year in which such tax was assessed, and all provisions of law respecting the return and sale of property for the non-payment of taxes for State, county and township purposes shall apply to the return and sale of property for the non-payment of such city taxes, except as herein otherwise provided.

When treasurer to make return of taxes collected.

City taxes a charge against who.

When to be first lien on real estate.

SEC. 95. The five members of the board of police commissioners, when assembled together and organized, shall constitute the board of police commissioners of the city of Alpena. Said board shall assume entire control of the police of said city, and shall possess full authority over the police organization, govern appointments and discipline within said city. It shall have the custody and control of all public property, books, records and equipments, belonging to the police department. Said board shall keep a record of its proceedings, and the recorder shall attend all meetings of said board, and under their direction shall be clerk thereof. The said board of police commissioners shall appoint a marshal, who shall qualify as provided in section fifty-one, and hold said appointment during the pleasure of said board. Said board, upon the nomination of the marshal, shall have power to appoint one or more deputy marshals and such number of policemen with pay and such number of policemen without pay as they shall deem expedient. The said board of police commissioners shall hold a meeting on the first Wednesday of each month and adopt such rules for their own procedure and government of the police department, as they shall deem wise and necessary. It shall be the duty of said board and of the police force, hereby constituted, at all times of the day and night, within the boundaries of said city, to preserve the public peace, and prevent crime and arrest offenders, to protect the rights of persons and property, to guard the public health, to preserve order, to enforce all laws of the State, and all ordinances of said city, to remove nuisances existing in public streets and highways, and generally to carry out and enforce all ordinances of the city and laws of the State.

Police commissioners to have control of police.

To have custody of public property.

Who to be clerk to appoint marshal.

May appoint other officers.

Meetings, when held.

Duties of police commission.

This act is ordered to take immediate effect.

Approved March 18, 1897.

[No. 352.]

AN ACT to amend sections twenty-six, thirty-three, thirty-seven, thirty-nine, forty-seven, eighty-nine, one hundred and two and one hundred and eight, and to repeal subdivision three of section thirty-nine of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the city of Ionia," approved March twenty-first, eighteen hundred seventy-three, and all acts and parts of acts amendatory of said sections, and to add thereto two new sections to stand as sections one hundred and sixteen and one hundred and seventeen.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections twenty-six, thirty-three, thirty-seven, thirty-nine, forty-seven, eighty-nine, one hundred and two and one hundred and eight of act number two hundred and nineteen of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the city of Ionia," approved March twenty-first, eighteen hundred seventy-three, and all acts and parts of acts amendatory thereof be and the same is hereby amended so as to read as follows; and that subdivision three of section thirty-nine of said act as amended be and the same is hereby repealed, and that two new sections be and the same are hereby added to said act to stand as sections one hundred and sixteen and one hundred and seventeen:

Quorum.

SEC. 26. Five aldermen shall be necessary for a quorum for the transaction of business, but no tax or assessment shall be ordered except by a concurring vote of a majority of all the members elect of the common council, and the common council shall prescribe the rules for its proceedings.

Majority may
order tax or
assessment.

Violation of
ordinances.

SEC. 33. In all prosecutions for a violation of any of the by-laws or ordinances passed by the common council, upon complaint being made upon oath before any justice in said city of Ionia, setting forth therein the substance of the offense complained of, such justice of the peace shall issue a warrant, in the name of the people of the State of Michigan, for the apprehension of the offender, directed to the marshal of the city of Ionia, or any constable of said city (except in the case mentioned in the next succeeding section); and such process may be executed by any of said officers any where within the county of Ionia, and shall be returnable in the same manner as other similar process issued by said justices of the peace. On the return of the warrant with the accused, the said justice shall proceed to hear, try and determine the cause within one week after the return, unless the absence of witnesses from the county without the fault or connivance of the party seeking such continuance shall render such continuance necessary, or unless the sickness of the attorneys of the accused

Justice of
peace to issue
warrant.

Justice to try
and determine
within one
week.

shall render the continuance of such cause necessary, in which case it shall and may be competent for the justice to adjourn or continue the same for such time as may be necessary to secure the ends of justice, not to exceed thirty days in all: *Provided*, That in case of the absence of witnesses the parties seeking to obtain a continuance of said cause shall further show to the satisfaction of the court that he has used due diligence to obtain the testimony of such witnesses. From the time of the return of the warrant until the time of the trial, the accused may give bail with one or more sufficient sureties for his appearance at the time fixed for the trial, or in the event of failure so to do, may be committed to jail for safe keeping by warrant of the said justice, or left in the custody of the arresting officer. The charge made against the accused as stated in the warrant of arrest shall be distinctly read to him, and he shall be required to plead thereto, which plea the court shall enter in his minutes; if the accused shall refuse to plead, the court shall enter the fact with a plea of not guilty in behalf of such accused. If the accused shall plead guilty to such charge the court shall thereupon convict him of such charge and render judgment thereon. The court shall have power to fine or imprison, or both in his discretion upon the conviction of the charge made against him, and may inflict such punishment, either by fine or imprisonment or both, as the nature of the case may require, together with such costs of prosecution as the justice of the peace shall order, but such punishment shall in no case exceed the limit fixed by law for the offense charged; and in cases where imprisonment alone shall be imposed upon the person so convicted, the said justice shall issue a commitment, directed as aforesaid, commanding his commitment until the expiration of the time for which he shall be sentenced to imprisonment or until he be discharged by due course of law; and in case where both fine and imprisonment shall be imposed upon the person so convicted, said justice shall issue the necessary process to carry such judgment into effect; and it shall be lawful to use the common jail of said county for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed by any justice for the violation thereof, shall be in the custody of the sheriff of said county, who shall safely keep the person so committed until lawfully discharged as in other cases: *Provided*, That the common council may remit any such fine, in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same.

May adjourn not to exceed 30 days.

Bail with sufficient sureties may be given.

Charge to be distinctly read to accused.

Accused pleading guilty court to convict, render judgment. Court has power to fine or imprison, or both.

In cases of imprisonment alone.

In cases where both fine and imprisonment are imposed.

County jail to be used for imprisonment.

Persons committed shall be in custody of sheriff.

SEC. 37. All State, county and school taxes in said city shall be levied and collected as near as may be in the same manner as provided for the assessment and collection of taxes by township officers, and all proceedings for the return, sale and redemption of real estate for non-payment of such taxes

State, county and school taxes levied and collected same as by township officers.

shall be in conformity with the proceedings for the return, sale and redemption of real estate as is required by the laws of this State. All city taxes which shall be raised by general tax shall be ordered to be levied and spread by the common council of said city by resolution, and shall be levied and collected as follows: As near as may be in the same manner as provided by law for the assessment and collection of taxes by township officers, and all proceedings for the return, sale and redemption of real estate for the non-payment of such taxes shall be in conformity with the proceedings for the return, sale and redemption of real estate as required by the laws of this State. And all city taxes so levied shall be and remain a lien upon both real and personal property after the first day of July of the same year in which the same are levied until such taxes shall have been paid. Each supervisor shall on or before the first day of July of each and every year after the passage of this act, deliver to the said collector the tax roll for his ward with the city taxes for the year annexed to each valuation; to such tax roll or tax list the supervisor shall annex a warrant under his hand directing or commanding him to collect from the several persons named in said roll the sum mentioned in said roll opposite their respective names, and to pay over said sum after deducting one per cent of the amount collected by him as his fees for collecting, to the treasurer of the said city on or before the first day of August then next ensuing, and such warrant shall authorize and empower the collector in case any person named in said roll shall neglect or refuse to pay his taxes on or before the first day of August, then after said first day of August to levy the same by distress, and the sale of the goods and chattels of such person. The collector shall immediately after the receipt of the tax roll, post up in the postoffice of said city, conspicuous handbills giving notice when and where the tax roll can be seen and taxes paid, and a receipt thereof obtained, without expense, at any time between nine o'clock in the forenoon and twelve o'clock noon, and from one until four o'clock in the afternoon between such first day of July and first day of August, Sundays and fourth of July excepted, and the tax rolls shall be kept at the place or places mentioned in said notices from nine o'clock in the forenoon until four o'clock in the afternoon of each day during said time, Sundays and fourth of July excepted as aforesaid, so that any person can pay the taxes assessed against him or them and obtain the collector's receipt therefor; and on all taxes so paid prior to the first day of August, no fee or percentage beside the amount of tax so specified in such roll or rolls shall be charged or payable. Upon all taxes remaining unpaid on said tax rolls on the first day of August, it shall be lawful for said collector to add and he shall add to each tax so remaining unpaid

City taxes ordered raised by resolution of council.
Collection of same.

Shall remain a lien after July 1st.

Supervisor to deliver tax roll to collector.

Collector to post notice where roll can be seen.

Collector shall add five per cent to tax remaining unpaid.

on his said rolls on the first day of August five per cent, and said collector shall collect such percentage in the same manner as he is authorized to collect such tax, and for the purpose of collecting such taxes such additional percentage shall be deemed a penalty for the non-payment of taxes within the time above specified, and said penalty shall be paid into the city treasury together with the regular taxes so assessed and collected. The collector of said city shall and may proceed to collect the taxes of said city and to pay over the money received to the city treasury as soon as he shall have received the same as hereinbefore provided, and to return to the county treasurer at the time of the returning of the State and county taxes for the then ensuing year, a statement of the city taxes remaining unpaid and due in the manner provided by law for township treasurers. And all the provisions of the laws of this State relating to the seizure and sale of personal property for the payment of taxes, or relating to the returning by the township treasurer to the county treasurer of the statement of the taxes remaining unpaid, and due, are hereby made applicable to the collector or collectors of said city, and he or they shall be governed thereby. The collector shall after so returning the statement of the city taxes so remaining unpaid and due to the county treasurer, at once account for and pay over to the city treasurer the full amount of all the taxes contained in his roll, deducting the amount of taxes uncollected and returned to said county treasurer, and deducting the amount of one per cent of all taxes collected by such collector for collecting or receiving the same. The supervisor of the ward (wards) shall carry out the provisions of this act relating to them.

Shall collect percentage same as tax.

Taxes collected to be paid to city treasurer.

Statement of city taxes remaining unpaid to be furnished county treasurer.

Collector to account to city treasurer. May deduct one per cent for collecting.

Supervisors to carry out provisions of act.

SEC. 39. The common council shall have full power and authority to levy and collect from year to year such amount of taxes upon all real and personal property not exempt from taxation within the limits of said city as they may deem necessary to defray the expenses thereof, not to exceed one per cent on the equalized valuation in any one year for all purposes exclusive of costs of collection and exclusive of the tax for the support of the poor: *Provided*, That the common council may order to be levied and assessed as a poor fund not to exceed two mills on each dollar of the entire valuation of all of the property within said city as shown by the said assessment rolls as equalized, and that the same be collected in the same manner and at the same time as other city taxes hereinbefore provided, which said amount shall be the full sum said city is authorized to levy and collect for any purpose except as hereinafter in this section provided, as follows:

Council has power to levy and collect taxes as deemed necessary.

May levy as poor fund.

First, The common council may provide for the payment of all bonds that have been heretofore issued for the purpose of constructing a system of water works, as they shall mature.

May provide for payment of bonds.

May levy tax to pay present indebtedness in excess of limit.

Shall not incur indebtedness except as provided in this section.

Not to exceed two per cent.

Special assessment.

To appoint board of assessors.

Compensation.

Board to make special assessment.

Improvement, cost of to be declared by resolution.

Second, The common council may provide for levying a tax for the payment of the present floating indebtedness of said city in excess of the foregoing limit of one per cent.

Third, The common council shall have no power to incur any indebtedness, or pledge the credit of said city for any amount except as in this section provided, in excess of the taxes for the current fiscal year: *Provided*, Said council may in any year previous to the first day of July anticipate the taxes of that year by borrowing not to exceed the sum of three thousand dollars for the purpose of paying the legitimate current expenses of the city, which loan shall be paid out of the money collected and assessed for the same year, and which said loan shall be paid on or before the fifteenth day of August of the same year that the same was made, and shall not after the said fifteenth day of August bear any interest: *Provided, however*, Should any greater amount be required in any year for the purpose of erecting public buildings or the purchase of ground therefor, or for other public improvements and purposes, to be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this section, such amount may be raised by taxes or loan, or partly by tax and partly by loan, if authorized by three-fourths of the electors voting upon the question at an annual city election or special election called for such purpose. The amount that may be voted or raised in any year for such purpose and under this subdivision shall not exceed two per cent of the assessed valuation of the property in the city as shown by the last preceding tax rolls made therein.

SEC. 47. Whenever under the provisions of this act the costs or expenses of any local or public improvement are to be defrayed in whole or in part by special assessment upon lands abutting upon, and adjacent to, or otherwise benefited by such improvements, such assessment shall be made as herein provided:

First, There shall be a board of assessors, to be appointed by the council, consisting of a city surveyor and two other members, who shall be electors in the city. Their (compensations) compensation shall be prescribed by the council. Special assessments authorized by this act shall be made by such board. If a member of the board shall be interested in any special assessment directed by the council, they shall appoint some other person to act in his stead in making the assessment, who, for the purpose of that assessment, shall be a member of the board;

Second, When the council shall determine to make any public improvement or repairs, the cost and expense of which are to be paid by special assessment, they shall so declare by resolution, stating the improvement and what part or proportion of the expense thereof shall be paid by such special assessment, and what part, if any, must be paid from the

general fund of the city; and shall designate the district or land and premises upon which the special assessment shall be levied;

Third, Before ordering any public improvements or repairs any part of the cost and expense of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be procured, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the city clerk for public examination, and they shall give notice thereof, and of the public improvement or work and of the districts to be assessed, by publication thereof at least two consecutive weeks in two of the newspapers of the city, and of the time when the council will meet and consider any objections thereto: *Provided, however,* That the aggregate of such special assessment shall not exceed one-half of one per cent of the equalized valuation of the property to be assessed: *And provided further,* That no such assessment shall be made for paving purposes, unless the owners of two-thirds of the frontage along the street to be paved shall have petitioned the council for such pavement;

Plats and diagrams deposited with city clerk for public examination.

Assessment for paving not to be made.

Fourth, The cost or expense of any improvement which is to be defrayed out of the general fund of said city shall include the cost for surveys, plans and estimates for the same;

Fifth, When any special assessment is made pro rata upon the lots and premises in any special district, according to frontage or benefits, the council shall, by resolution, direct the same to be made by assessors, and shall state therein the amount to be assessed, and whether according to frontage or benefits, and describe or designate the lot and premises or locality constituting the district to be assessed;

Assessors to pro rata assessment in special district.

Sixth, Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed and the valuation thereof, with the names of the persons, if known, chargeable with the assessment thereon, and shall levy thereon and against such persons the amount to be assessed in the matter directed by the common council and the provisions of this act applicable to the assessment, and when such assessment is completed they shall report the same to the council;

To make assessment roll.

Seventh, If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless, on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement;

Assessment required as to frontage.

When expense incurred by city, collection.

Eighth, When any expense shall be incurred by the city upon or in respect to any single or separate lot, parcel of land or premises which, by the provisions of this act, the council is authorized to charge and collect as special assessment against the same, and not being of that class of special assessments required to be made pro rata upon several lots or parcels of land in an assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or service, together with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person made chargeable therewith, shall be reported to the common council in such manner as the council may prescribe;

Shall determine amount to be charged.

Ninth, The council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient, they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively, to be reported by the city clerk to the board of assessors for assessment;

Shall make special assessment.

Tenth, Upon receiving the report mentioned in the preceding section the board of assessors shall make a special assessment roll, and levy as a special assessment thereon, upon each lot or parcel of land so reported to them, and against the persons chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the council;

To be filed with city clerk.

Eleventh, When any special assessment shall be reported by the board of assessors to the council, as in this chapter directed, the same shall be filed in the office of the city clerk and numbered. Before adopting the assessment the council shall cause notice to be published for at least two consecutive weeks, in some newspaper of the city, of the filing of the same with the city clerk and appointing a time when the board of assessors and council will meet to review the assessment. Any person objecting to the assessment may file his objection thereto in writing to the city clerk;

Notice to be published.

Objections to be filed.

Board to review assessment.

Twelfth, At the time appointed for that purpose, as aforesaid, the council and board of assessors shall meet, and there, or at some adjourned meeting, review the assessment; and the council shall correct the same if necessary and confirm it as reported or as corrected, or they may refer the assessment back to the board for revision, or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the city clerk shall endorse a certificate thereof upon the roll, showing the date of confirmation;

May direct new assessment.

City clerk to certify.

Thirteenth, When any special assessment shall be confirmed by the council it shall be final and conclusive; but no such assessment shall be confirmed except by the concurrence of two-thirds of all the aldermen elect;

Council confirming to be final.

Fourteenth, All special assessments shall be from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels assessed, and shall be a charge against the person to whom assessed until paid;

Lien on lots assessed.

Fifteenth, All special assessments shall be due and payable upon confirmation, when due;

When due.

Sixteenth, Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises, and the reassessment shall to that extent be deemed satisfied;

Irregularity, new assessment to be made.

Proceedings as in original assessment.

Seventeenth, No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceedings might have been lawfully assessed thereon;

Judgment or decree not to destroy lien.

Eighteenth, Whenever any special assessment shall be confirmed and be payable, the council may direct the city clerk to report to the supervisor of each ward in which any of the lots and premises assessed in the special assessment roll are located a description of such lots and premises as contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and requiring said supervisor to levy the several sums so assessed as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report the supervisor shall levy the sum therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax, in the ward tax roll next thereafter, to be made in a column for special assessments, and thereupon the amounts so levied in said ward tax roll shall be collected and enforced with the other taxes in the ward tax roll, and in the same manner, and shall continue to be a lien upon the premises assessed until paid; and when collected shall be paid into the city treasury;

City clerk to report description and amount of assessment.

Supervisor shall levy sum mentioned.

Council may
direct assess-
ment collected
directly.

Clerk to attach
his warrant.

City collector
to collect.

Collect by
distress.

Neglect to pay
assessment.

Disposition of
money col-
lected.

Warrant may
be renewed.

Return of
unpaid assess-
ment.

Nineteenth, When any special assessment shall be confirmed and be payable as hereinbefore provided, the council, instead of requiring the assessment to be reported to the supervisor of the ward, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the city clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city collector to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person, and to return said roll and warrant, together with his doings thereon, within sixty days from the date of such warrant;

Twentieth, Upon receiving said assessment roll and warrant, the city collector shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment within ten days after the same is due the collector shall seize and levy upon any personal property, within the city or elsewhere within the county, belonging to such person and sell the same at public auction, first giving six days' notice of the time and place of such sale by such notices in three of the most public places in the city or township where such property may be found. The proceeds of that sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expense of said seizure and sale, and the surplus, if any, shall be paid to the persons entitled thereto;

Twenty-first, The city collector shall pay the moneys and all the percentage collected by him into the city treasury, and take the treasurer's receipt therefor and file the same with the city clerk. He shall also make return of said assessment roll and warrant to the city clerk, according to the requirements of the warrant; and if any of the assessments in said roll shall be returned unpaid, the collector shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent and a description of the lots and premises upon which the assessments remain unpaid and the amount unpaid on each;

Twenty-second, Said warrant may be renewed from time to time by the city clerk if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force and the city collector shall perform the same duties and make the like return as above provided. In case any assessment shall be finally returned by the city collector unpaid, as aforesaid, the same may be certified to the supervisor of the proper ward in

the manner provided for in subdivision eighteen of this section, and shall then be reassessed, with interest at the rate of ten per cent from the date of the confirmation of the assessment until the first day of February next ensuing, in the next ward tax roll, and be collected and paid in all respects as provided in subdivision aforesaid;

Twenty-third, At any time after a special assessment has become payable and demand made therefor, and ten days have elapsed without payment thereof, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified order or resolution concerning the same shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment and of the right of the city to recover judgment therefor;

Special
assessment
collected by
suit.

Twenty-fourth, If in any such action it shall appear that by reason of any irregularities or informality the assessment has not been properly made against the defendant or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city which is a proper charge against the defendant or the lot or premises in question, render judgment for the amount properly chargeable against such defendant or upon such lot or premises;

Irregularities
in assessment.

Twenty-fifth, Said collector shall return to the county treasurer at the time of the returning of the State and county taxes for the then ensuing year a statement of all special taxes which may have been assessed for special improvements and then remaining unpaid and due, in the same manner provided by law for township treasurers, and in like manner as other lands may be returned for non-payment of State and county taxes; and said lands shall be subject to redemption and sale in like manner as other lands returned delinquent for the non-payment of State or county taxes under the general provisions of law.

Collector to
furnish state-
ment of unpaid
taxes to county
treasurer.

SEC. 89. The common council shall, on the first Monday in May, or as soon thereafter as may be, elect three good and competent men who are freeholders and qualified electors, as a board of public works, one of whom shall be elected for one year, one for two years and one for three years, and annually thereafter at the spring election there shall be elected by the electors of the city, one member of each board for three years. The members of said board shall hold their office and perform the duties thereof until their successors are elected and (are) duly qualified; they shall take the oath of office prescribed for city officers within five days from the date of their election. Vacancies occurring in said board by removal, resignation or otherwise, shall be filled by the common council for the unex-

Election of
board of public
works.

Term of office.

Vacancies.

Compensation. pired term. Each member of the board of public works shall receive as a compensation for their services one dollar for each meeting held by said board to which they attend, but the whole number of meetings of said board of public works for which the members thereof shall be entitled to the money aforesaid shall not exceed fifteen in any one year.

Assessment of real and personal property. SEC. 102. The common council shall have authority to assess, levy and collect taxes on all real and personal estate taxable in said city, which tax shall be and remain a lien on the property so assessed until the same is paid. The common council shall within five days after report has been made by the clerk of the amount of taxable property in each supervisor district, in each year meet and determine by resolution the amount of tax that shall be assessed, levied and collected for all city purposes for the then current year, not exceeding, however the limit named in section thirty-nine, which amount shall include any former appropriations for that year for the water works fund or the sewer fund.

Repairs and improvements. SEC. 108. In all cases when any repairs or improvements are to be made to any street [in] of said city, which shall exceed in the cost or expense therefor the sum of one hundred dollars, it shall be the duty of the common council to direct and order such officer as may have the superintendence of the streets of said city to advertise, as said council may direct, for bids for the making of said repairs or said improvements, and by such officer to contract for the making of such repairs or improvements with the person or persons who may make the lowest bid therefor which may be acceptable to said council; and said council may require the contracting party to give security for the faithful performance of the contract upon his or their part according to the terms thereof.

Bids for making. SEC. 116. The supervisors of said city of Ionia, the treasurer, mayor and city clerk, shall constitute a board of equalization and review of the general assessment rolls of the several [supervisor] supervisors districts of said city, three of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day. They shall have power, and it shall be their duty, to examine said assessment rolls and they shall have authority to, and shall correct any errors or deficiencies found therein, either as to the names, valuations or descriptions; and of their own motion, or on cause shown, may reduce or increase the valuation of any property found on said roll or rolls, and to add thereto any taxable property in said city that may have been omitted, and to value the same; and to strike from said roll or rolls any property wrongfully thereon, and generally to perfect said rolls in any respect, by said board deemed necessary and proper. If, on such examination, and after the review and corrections herein provided for, they shall deem the valuations of the several supervisors'

districts to be relatively unequal, they shall equalize the same by adding to or deducting from the valuation of the taxable property in the district or districts such an amount as, in their judgment, will produce relatively an equal and uniform valuation of the real estate in the city; such equalization shall be for the purpose of equalizing city taxation, and has no reference to equalization for State and county taxation. They shall, unless otherwise directed by the council, meet on the fourth Monday in May in each year, at the council rooms in said city at eight o'clock in the forenoon, of which time and place notice shall be given by the clerk at least seven days prior to the time of meeting, by publishing a notice thereof in one or more of the newspapers of said city, and also by posting the same in three public places in each ward of said city, at which time and place the supervisors shall submit to said board their general assessment rolls. They shall select one of their number as chairman, and shall continue in session at least two days successively, and as much longer as may be necessary, and at least eight hours in each day during said two days or more; and any person or persons desiring so to do may examine his, her or their assessment on said rolls, and may show cause, if any exists, why the value thereof should be changed, and said board shall decide the same, and their decision shall be final. They may examine on oath any person touching the matter; the chairman or any member of said board may administer oaths and examine witnesses in relation to any matters requiring investigation before said board. They shall keep a record of their proceedings, and all changes made in said rolls, and the amount added to or deducted from the valuation in each supervisor's district shall be entered upon such record, and the record shall be deposited with the city clerk who shall be the clerk of said board, and the decision of a majority of the members of said board upon all questions shall govern. The board shall pass upon each valuation, and enter or cause to be entered the valuation as fixed by it in a separate column in each roll. The roll as prepared by the supervisor shall stand when approved and adopted as the act of the board of review and equalization for city taxation and shall in no way be affected by the county board of equalization under the general law. Said board shall have the same powers and perform the same duties in all respects as boards of review of townships, in reviewing and correcting assessments made by supervisors of townships, except as in this act otherwise provided. After said board of review and equalization shall have completed the revision of said rolls, the city clerk shall endorse and sign a statement upon the rolls to the effect that the same is the general assessment roll of the city for the year in which it has been prepared, as approved by the board of review and equalization. Such statement may be in the following form, viz:

Time and place
of meetings.

Chairman,
selection of.

Clerk of board.

Duties of
board.

City clerk to
sign assess-
ment roll.

Form of. General assessment roll of the ——— wards of the city of Ionia, for the year A. D. ———, as approved by the board of review and equalization.

Dated, Ionia, ———, Clerk.

Completion of assessment, to be valid.

Supervisors to show total amount.

Upon the completion of such roll, and its endorsement in manner aforesaid, the same shall be conclusively presumed by all courts and tribunals to be valid, and shall not be set aside except for causes mentioned in the general law of the State relating to the assessment of property and the levy and collection of taxes thereon. The omission of such endorsement shall not affect the validity of such roll. After the several rolls of the city of Ionia have been corrected and equalized by the board of review and equalization, the several supervisors of said city shall at once make a footing of their said rolls showing the total amount of real estate as fixed by said board of review and equalization, together with all personal property assessed thereon, which said total amount shall be [within] written five days thereafter reported by said supervisors to the city clerk in writing signed by the several supervisors of their respective supervisors' districts of said city. Said clerk shall forthwith report said statement so received by him to the mayor of said city, whose duty it shall be to call a meeting of the common council as provided in section one hundred and two. Members of the board of review and equalization shall receive as a compensation for their services while acting as such board the sum of two dollars per day for the time actually spent in the performance of such services.

Claims for damages.

Limit of filing.

SEC. 117. All claims for damages against said city of Ionia for injuries or other damages, sounding in tort of every name and nature, shall be made in writing and filed with the clerk of the city of Ionia within ninety days from the time said cause of action shall have accrued, and not after. Said claim shall set forth the facts upon which the party claims his right of action to rest; and he shall not be allowed thereafter in any action brought against the city to make any other or different claim than that set forth in his written statement filed with the clerk. If said claim be not filed within the period of ninety days above limited, then no action shall be brought against said city after said ninety days, and the statute of limitations shall be deemed to have run against said claim, so far as any right of action is concerned against said city for such claim for damages.

This act is ordered to take immediate effect.

Approved March 18, 1897.

[No. 353.]

AN ACT to create a light and power commission in the city of Marquette, Michigan, and to define its powers and duties.

SECTION 1. *The People of the State of Michigan enact, That* five citizens of the city of Marquette, Michigan, to be appointed by the mayor of said city, and confirmed by a two-thirds vote of the common council of said city, and their successors in office, when appointed, confirmed and qualified shall be a board of light and power commissioners of the city of Marquette, in the county of Marquette, in this State; and they shall be known by the name and style of "The Light and Power Commission of the City of Marquette;" and by that name shall have power to contract, sue and be sued, to purchase and hold real estate, to have a common seal, to alter and change the same at pleasure, to make by-laws and ordinances, and to do all legal acts which may be necessary and proper to carry out the effect, intent and object of this act. *Appointment of commissioners.* Members of the common council of said city shall not be eligible to appointment on said commission, nor shall any appointment thereto be made prior to April fifteenth, eighteen hundred and ninety-seven. *Name and style.* *Members of council not eligible.*

SEC. 2. The said commissioners shall hold their offices respectively for the terms of one, two, three, four and five years, in the order appointed and for the time designated in the appointment, from the fifteenth day of April, eighteen hundred and ninety-seven, and until their respective successors are appointed and qualified. In the event that any person so named shall decline to qualify as such commissioner, or shall subsequently resign, the vacancy shall be filled for the term for which he was appointed, by nomination by the mayor of a citizen of said city, and confirmation by a two-thirds vote of the common council of said city; and at the expiration of the term of office of any commissioner his successor shall be appointed and confirmed in like manner for the term of five years from and after the fifteenth day of April of the year when appointed, and until his successor is appointed and qualifies; in case of the death, resignation, or removal from said city or removal from office of any of said commissioners, such vacancy shall be promptly filled in the same manner for the unexpired term. Before entering upon the duties of their office all appointees to said commission shall within thirty days after confirmation of their appointment, take and file with the city recorder the constitutional oath of office: *Terms of office* *Vacancy, how filled.* *To take oath of office, when.* *Provided,* That this section shall not be so construed as to disqualify any member of said commission from reappointment thereon.

- Officers.** SEC. 3. The said commissioners shall choose one of their number as president, who shall hold his office until the fifteenth day of April next ensuing the date of his election as said president and until a successor is chosen. They shall also choose a secretary from their own number, who shall hold his office at the pleasure of the commission. The city treasurer shall be the treasurer of the commission and shall receive out of the funds of the commission, fees for collections, not exceeding one per cent thereof, and not exceeding the sum of one hundred and fifty dollars per annum. In case of a vacancy occurring in the office of president, said commissioners shall have power to fill the vacancy as in the first instance.
- Quorum.** A majority of said commission shall constitute a quorum for the transaction of business.
- Records and accounts.** SEC. 4. The said commissioners shall cause to be kept an accurate record of all their proceedings, together with a list of all amounts that shall become due from persons taking power or light from the said commission which proceedings and list shall be subject to public inspection at all reasonable times, under the supervision of the officers of the commission charged with their custody and care, which proceedings shall be published in a newspaper of the city monthly.
- Members not to be interested in contracts.** SEC. 5. No member of said commission shall be interested either directly or indirectly in any contract entered into by them with any other person, nor shall he be personally interested either directly or indirectly in the purchase of any material to be used or applied in and about the purposes and uses contemplated by this act, or furnishing of any labor or services to said commission.
- To make and enforce by-laws.** SEC. 6. The said commissioners are hereby invested with full power to make and enforce such by-laws, regulations and ordinances as may be necessary to carry into effect the object and intent of this act, and to supply any mode of power not specified herein, and shall cause all such by-laws, regulations and ordinances to be entered in a book to be kept for that purpose, and signed by the president and secretary, which when so entered and signed shall be evidence in courts of justice with like force and effect as are the statutes of the State of Michigan; but any such by-laws, regulations or ordinances imposing any fine or penalty for the violation thereof shall not become operative until ten days after the publication thereof in a public newspaper of the city, and a certificate entered in such record by the secretary that such publication has been duly made shall be *prima facie* evidence of the due publication thereof.
- By-laws, etc., to be published.**
- Powers of commissioners.** SEC. 7. Said commissioners are hereby authorized and empowered to purchase, hold and improve lands, water powers, engines, machinery, apparatus and other property, and operate and use the same for the purpose of generating, making and furnishing electricity, gas, power, steam, light and

heat, or other form of energy for the efficient lighting of public streets, avenues, buildings and grounds of the city, or for private lighting in said city, and for the purpose of furnishing electricity, gas, or steam, power, heat or other form of energy for elevators, machinery or buildings owned by the city or other public corporation, and for the purpose of selling such electricity or gas, light, power, heat or other form of energy to any person, firm or corporation.

SEC. 8. Said commissioners shall have the exclusive government, control, direction and management of all the lands, machinery, structures, appliances and property, claims and causes of action and evidence thereof which at the time of the organization of said commission are possessed by the said city, and that have been under the control of the common council and the light and power commission of said city acquired for electric lighting and water power purposes, and the title thereto shall vest and be in said commission, and they shall succeed to all the rights, liabilities and duties of the common council and the light and power commission in relation thereto.

To have exclusive control of property, claims.

SEC. 9. Said commission may sell and dispose of any personal property or building that may come into their possession or under their control, when no longer needed by them, and they may convey any lands under their control for a site for the use of any State educational reformatory or benevolent institution which may be located on any part of said land, but said commissioners shall not lease or convey any water power or water power site, or any lands which may be the erection of dams, flumes or other structures be utilized therefor, or lease any lands for a longer period than four years.

May sell buildings, lands.

SEC. 10. Said commissioners, subject to the limitations in this act, shall have power, and it is hereby made their duty, to construct such dams, flumes, reservoirs, buildings, and to purchase and erect such engines, machinery, apparatus, towers, poles, wires, pipes and structures as shall be deemed necessary by them to enable them to carry out the purposes named in this act; and for said purpose shall have power to erect poles, towers, structures, wires and appliances, and to lay and construct conduits, pipes and man holes in the streets, alleys and public grounds of said city, and in the highways in the township of Marquette, Marquette county, in this State, for the purposes of its business; but they shall so place and construct the same as to least interfere with the usual and ordinary use of said streets, avenues and public grounds and highways and the free ingress to and egress from properties adjacent thereto, and shall replace in good order all pavement, macadam and turf or other improvements disturbed or injured by them in the prosecution of their work. Said commissioners shall utilize, so far as practicable, the property under their control for the purposes for which said commission is estab-

May construct dams, buildings.

May lay pipes in streets.

To furnish
light, etc.,
for public
buildings.

lished and mentioned in this act, and to efficiently light the streets, avenues, parks and public grounds of the city, as they may deem proper, with electricity, gas or other substance; and, as may be required by the common council, to furnish such light, heat and power for the public buildings, as they are able to furnish, with the property and equipments under their control. And said commission shall furnish and sell, under such regulations as they may prescribe, to persons and corporations in said city who desire to purchase the same, any such electricity, gas or other light, heat or power which they are able and equipped to supply, and which is not needed for public use.

Rates and
charges.

SEC. 11. Said commissioners shall fix the rates and charges to be paid for the various kinds of service furnished by them, and shall have power to make and enforce all necessary rules and regulations for the collection of said rates and charges; and penalties may be prescribed by them for delinquencies in the payment thereof, together with interest thereon not exceeding eight per cent per annum from the time when the same becomes payable, and the expense of collection thereof; which they are hereby authorized to charge and collect, and for the collection thereof they are empowered to require payment to be made at the office of the commission or of the treasurer, and may shut off the supply of light, heat or power from delinquents and remove apparatus of the commission from the premises; or they may enforce collection of the same by suit at law before any court of competent jurisdiction, or otherwise, as they may determine. All such rates, charges, rules and regulations shall be entered in the record of the commission, but shall not go into effect until ten days after the publication of the same in a public newspaper of the city, and a certificate entered on such record by the secretary that such publication has been duly made shall be *prima facie* evidence of the due publication thereof.

Rates and
charges to be
published.

Rate to be paid
by city.

SEC. 12. The city of Marquette shall pay monthly from its general funds, for all light and power furnished for public streets and buildings and other public purposes at the rates fixed by such commission; and such payments shall be made by orders drawn on the city treasurer as other city orders, upon the filing with the controller of itemized statements certified by authority of said commission, specifying the light and power so furnished and the rates and amounts charged for the same; the vouchers for which payments and appropriate memoranda thereof shall be entered upon the books of the city as for other city expenditures.

Reports of
commissioners.

SEC. 13. It shall be the duty of said commissioners to make report to the common council of said city on or before the second Tuesday of March of each year, also at such other time or times, as the council may deem necessary and demand, which report shall embrace a statement of the condition and

operation of the works, a statement of the funds and securities of said commission, and all debts due and owing to and from said commission, together with an accurate account of the whole of its receipts and disbursements; also a list of [lights] light furnished the city for street lighting and a list of the lights furnished the city for lighting public buildings, with the amount received therefor; also a statement of the amount of each kind of light, as well as power that shall be sold by them; also a statement of all losses incurred or property destroyed during the year or injured in any way, with an estimate of the amount of such injury, which statement shall be certified by said commissioners and shall be entered upon the records of said city, or filed in such manner as said common council may direct.

SEC. 14. It shall be the duty of the said commissioners, on or before the first Monday of June in each year, to make a special report to the common council of said city what, if any, sum will be needed by said commissioners over and above the revenue of said commission to meet the payment of interest or principal of bonds, or to meet any deficiency in operating expenses; and it shall be the duty of the common council of the said city, and the said common council is hereby authorized and empowered to raise said amount by special tax in addition to the amount authorized in the charter of said city, in the same manner as general taxes are raised, to be designated in said tax roll as light and power tax, and said amount when collected shall belong to the fund controlled by said commission and subject to the order of said commission.

Special reports
as to moneys
needed.

To be raised by
special tax.

SEC. 15. The said commissioners shall have power to borrow from time to time upon the best terms they can make, for such time as they shall deem expedient, and at a rate of interest not exceeding seven per cent per annum, and at as much lower rate as possible, a sum of money in addition to indebtedness existing at the time of the passage of this act, not exceeding fifty thousand dollars, upon the credit of said city of Marquette; and shall have authority to issue bonds, pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall issue under the seal of said commission, and shall be signed by three of said commissioners and countersigned by the controller; and it shall be the duty of said commissioners to cause to be kept an accurate register of all the bonds issued by them, showing the number, date and amount of each bond, and to whom issued; and it shall also be their duty to present said bonds to the controller of said city for entry upon the records of said city kept by him, and the controller shall certify on each bond that such record has been made: *Provided*, That no such bonds shall be issued until the amount proposed to be raised shall have been submitted to the legal voters of said city, and been

Commissioners
may borrow
money.

Limit of
amount.

To keep
register of
bonds issued.

Question of
bonding to be
submitted to
voters.

approved by a majority vote by ballot of the electors of said city voting at an annual or special election therein.

Question may be submitted at general or special election.

SEC. 16. Upon notice to the common council of any resolution of said commission for the raising of money by bonds the common council and city officers shall at any general election submit the question to the electors of said city and determine and declare the result in the manner prescribed by the charter of said city in other cases; or said council shall cause a special election therefor to be held at such time as shall be designated by resolution of said commission for like purposes as aforesaid; and said commission shall determine the form of the ballots.

Bonds and interest, when and how payable.

SEC. 17. It shall be the duty of said commissioners to pay the interest and principal of the bonds heretofore issued by said city for light and power purposes and hereafter issued by said commission as the same may become due. And the said commissioners may when they have funds for that purpose, purchase any of such bonds whether the same have become due or not; and in case the said commissioners shall at any time not have funds on hand sufficient to meet any of said bonds at the time when they shall become due, they may issue new bonds for such amount and on such time as they shall deem expedient, in the place of the bonds so becoming due; the said old bonds to be cancelled in the registry thereof, and the said new bonds to be recorded in the manner hereinbefore provided.

When may issue new bonds.

Damages to materials, property, etc.

SEC. 18. If any person shall wilfully do or cause to be done any act whereby any work, materials or property whatsoever belonging to or being under the control of said commissioners or their agents, for any of the purposes authorized by this act, whereby the same shall in any manner be damaged or destroyed, or shall without the authority of said commission interfere with or connect or disconnect any of the distributing wires, pipes or other conductors or apparatus of said commission, or take therefrom any electricity, gas or other power or substance, without such authority, such person shall be deemed guilty of a misdemeanor, and upon conviction shall be punishable therefor as other misdemeanors are punished. And any person so offending shall also for such offense forfeit and pay to said commission a sum of money equal to five times the amount of such damage or five times the value of such electricity, power or substance so taken, and the costs of suit, to be recovered in any court of competent jurisdiction.

Taking gas, electricity, etc., without authority.

Penalty.

Materials exempt from execution.

SEC. 19. All materials procured, or partially procured, under a contract with said commissioners shall be exempt from execution, and it shall be the duty of the commissioners to pay the money due for such materials, and when such materials are furnished to contractors employed by the said commission in the erection of any of the works under its control above referred to, and when said contractors shall neglect

or refuse to pay for materials purchased for said use, the said creditors of the contractor may serve notice upon the president or secretary of said commission of said indebtedness and an itemized statement of the amount, and if said contractors are not already paid for said work and materials, the said commissioners shall retain the amount until the creditors of said contractor shall determine the amount actually due by suit in court, and if no appeal is taken or writ of error sued out from said judgment to a higher court, the said commissioners are authorized to pay the said judgment to the said creditors, and charge the same to the contractor, upon having filed with them a certified copy of the entry of judgment in the court where the judgment entry it last made.

May retain certain amounts from contractors.

SEC. 20. All acts or parts of acts contravening or interfering with the provisions of this act are hereby repealed.

Repealing clause.

This act is ordered to take immediate effect.

Approved March 18, 1897.

[No. 354.]

AN ACT to amend act number four hundred and sixty-six (466) of the local acts of one thousand eight hundred and ninety-five (1895), being an act to reincorporate the city of North Muskegon, in Muskegon county and to detach certain territory from the town of Laketon in said county and attach the same to said city, and to detach certain territory from the former city of North Muskegon and attach the same to the town of Laketon, and to repeal act number two hundred and fifteen (215) of the local acts of one thousand eight hundred and ninety-one (1891), entitled "An act to incorporate the city of North Muskegon, in Muskegon county, and to detach certain territory from Muskegon township in said county and attach the same to said city, and to repeal act number one hundred and fifty-nine of the local acts of one thousand eight hundred and eighty-one (1881), entitled 'An act to incorporate the village of North Muskegon,' " by amending sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen and fourteen of chapter eight, and by adding one new section to chapter eleven of said acts, being section nine.

SECTION 1. *The People of the State of Michigan enact*, That act number four hundred and sixty-six of the local acts of eighteen hundred ninety-five, being "An act to reincorporate the city of North Muskegon, in Muskegon county, and to detach certain territory from the town of Laketon in said county and

Sections amended.

attach the same to said city, and to detach certain territory from the former city of North Muskegon and attach the same to the town of Laketon, and to repeal act number two hundred fifteen of the local acts of eighteen hundred ninety-one, entitled 'An act to incorporate the city of North Muskegon in Muskegon county, and to detach certain territory from Muskegon township in said county and attach the same to said city,' and to repeal act number one hundred fifty-nine of the local acts of eighteen hundred eighty-one, entitled 'An act to incorporate the village of North Muskegon,' " be and the same is hereby amended by amending sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen and fourteen of chapter eight, and by adding one new section to chapter eleven of said acts, being section nine.

CHAPTER VIII.

ASSESSMENT AND COLLECTION OF TAXES.

Assessor to
make assess-
ment roll.

SECTION 1. The assessor of the city shall, in each year, make and complete an assessment of all the real and personal property within said city liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner and in the same time as required by law for the assessment of property in the townships of the State, and in so doing they shall conform to the provisions of law governing the action of supervisors of townships performing like services, and in all other respects he shall, unless otherwise in this act provided, conform to the provisions of law applicable to the action and duties of supervisors in townships, in the assessment of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof.

Persons resid-
ing in the city
part of the
time, where
and how
assessed.

SEC. 2. If any person residing in the city a part of the time during the year shall, in the opinion of the assessor, unjustly or falsely claim exemption from taxation therein on the ground that he or she has a residence, and is taxed or liable to taxation, elsewhere than in said city, the supervisor shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the treasurer, or officer requiring payment of such tax, a receipt duly signed and authenticated by the affidavit of some other collector of taxes, and also by the affidavit of the person charged with the tax, showing that such person has paid a tax upon all of the same property for the same year to such other collector or receiver of taxes.

When tax paid
elsewhere.

SEC. 3. The assessor and mayor of said city and three electors, one of whom shall be from each ward and all of whom shall be taxpayers, to be nominated by the mayor and confirmed by the council on the first Monday in May in each year, shall constitute a board of review of assessments for said city. The recorder shall give notice of the meeting of the board of review, stating the time and place, by either written or printed notices to be posted in three public places in each ward of said city at least five days prior to the first Monday in June in each year. No alderman of said city shall be a member of said board of review. The members of said board shall be paid such sum for their services as shall be determined by the common council and shall take the constitutional oath of office, and they shall organize on their first meeting by electing a chairman and secretary thereof from their number. It shall be the duty of said board to meet on the first Monday in June in each year in the common council room, and to remain in session six hours each day for at least three consecutive days. Said board of review shall have all the powers and perform all the duties required of a board of review in organized townships in this State. The judgment and decision of said board as to all matters submitted to it under the provisions of this act and under the general tax law of this State, shall be final and conclusive, and shall not be subject to review by any court.

Board of review.

Notice of meeting of board.

Aldermen not to be members. Compensation of members.

Meeting of board.

Powers.

SEC. 4. When the board of review shall have reviewed and corrected the assessment roll of said city, said roll shall be adopted by said board as the assessment roll of said city, and a certificate of such adoption shall be signed by said board or a majority of the members thereof. Upon the completion of such roll, and its endorsement in manner aforesaid, it shall be returned to the assessor, and shall be conclusively presumed by all courts and tribunals to be valid, and shall not be set aside except for causes mentioned in the general laws of this State, relating to the assessment of property and the levy and collection of taxes thereon.

Board to review and correct assessment roll.

To certify adoption of roll.

SEC. 5. On or before the first Monday of October in each year, the recorder shall certify to the assessor the aggregate amount of all sums which the council require to be raised for the next fiscal year for all city purposes and for schools, library and school-house purposes by general taxation upon all the taxable property of the whole city, and shall also certify to said assessor all amounts which the council require to be assessed or reassessed in any street district main or special sewer district, or other special assessment district, or upon any parcel of land, or against any particular person, as a special assessment or otherwise within his district, together with a designation of the district, or description of the land or person upon whom or within which the several sums are to be assessed or reassessed, with such further description and directions as will enable such assessor to assess the several amounts upon the property and persons chargeable therewith.

Recorder to certify to assessor amount to be raised.

Assessor to
levy amount
certified by
recorder.

Special
assessments.

To levy for
judgments.

Assessor to
certify to
recorder
amount of
taxes levied.

Clerk to charge
amount to city
treasurer.
Treasurer to
give bond.
Assessor to
deliver cer-
tified copy of
roll to city
treasurer.

Warrant to be
annexed to roll.

Treasurer to
account for
moneys col-
lected.

Enforcement of
payment of
taxes.

Treasurer to
give notice to
tax payers on
receiving tax
roll.

Office hours of
city treasurer.

SEC. 6. The assessor at the time of levying State and county taxes for the year shall levy in the same roll upon all the taxable property in the city the amounts certified to him by the recorder as provided in section five of this chapter to be raised for city, school, school-house and library purposes, placing the city taxes in one column and the school, library and school-house taxes in other separate columns; and he shall also levy in the same roll, upon the lands, property and persons chargeable therewith, all special assessments and sums reported to him by the recorder as provided in section five of this chapter, for assessment or reassessment in main or special sewer districts or for other special assessments, placing all such taxes in a column of special assessments, and shall place the State and county taxes in other columns. He shall levy in the same roll, in a separate column or columns, any or all judgments which he is authorized by law to levy. The amount of the several taxes so levied upon each valuation shall be carried into another column, and the aggregate of taxes and fees shall be carried into the last column of the roll.

SEC. 7. The assessor upon completing his roll, shall certify to the recorder the amounts of taxes levied in the roll for State and county purposes, and for city, library and school taxes, special assessments and other purposes, and for collection fees; and the clerk shall charge the said amounts to the city treasurer. The city treasurer shall give bond to the county treasurer in the same manner as township treasurers are required to do; and thereupon, and on or before the first Monday in December, said assessor shall deliver a certified copy of the assessment roll, with the taxes extended therein as aforesaid, to the city treasurer, with his warrant for the collection of the taxes therein, annexed thereto.

SEC. 8. The warrant annexed to said roll shall state the several amounts levied therein to be paid into the State and county treasuries respectively, and shall command the city treasurer to collect from the several persons named in the said roll the several sums named in the last column thereof, opposite their respective names, and to pay over and account for all moneys collected and specified in the roll, as in said warrant directed, on or before the first day of March then following, and the warrant shall authorize the treasurer, in case any person shall neglect to pay his or her tax, to levy the same by distress and sale of the goods and chattels of such person, or sue such person in *assumpsit* in the name of said city for amount of such tax and garnishee any debtors of such person.

SEC. 9. Upon receiving the tax roll aforesaid, the city treasurer shall give notice immediately to the taxpayers of said city, as provided in section six of this chapter, that such roll has been delivered to him and that the taxes therein levied may be paid to him at his office between nine o'clock in the forenoon and five o'clock in the afternoon of each Friday,

until the first day of February following, and shall state in said notice the location of the office. And said treasurer shall remain in his office for the purpose of collecting said taxes on each Friday from the time he receives said tax roll until the first day of February following, from nine o'clock in the forenoon to five o'clock in the afternoon. The following fees shall be charged and collected by the city treasurer upon all taxes levied in the said tax roll, viz.: State and county tax paid on or before December thirty-first, a collection fee of one per cent, and upon all other taxes on said roll paid on or before that date, a collection fee of four per cent; upon all State and county taxes remaining unpaid on the first day of January, a collection fee of four per cent shall be paid. All fees and interest collected by said treasurer shall be paid into the city treasury for the benefit of the contingent fund. The treasurer shall have such other powers and perform such other duties not herein particularly enumerated as are conferred upon township treasurers by the general tax law of this State.

Collection fees.

All fees to be paid into the contingent fund. Other powers of treasurer.

SEC. 10. All the provisions of law respecting delinquent taxes levied in townships shall apply to all taxes, assessments, ordinary and extraordinary, all special assessments and all charges created, ordered or levied in the city of North Muskegon, to be returned as delinquent to the county treasurer. And to all such taxes returned as aforesaid, the city shall be considered and treated as a township, and all provisions of law for the sale of lands for the non-payment of taxes levied for State, county and township purposes, returned delinquent, shall apply to the return and sale of property for unpaid or delinquent taxes and assessments, both ordinary and extraordinary, and all charges created, ordered or levied in the city of North Muskegon, except as herein otherwise provided.

Delinquent taxes.

How considered and treated.

SEC. 11. The tax rolls with the warrants attached as above provided shall be delivered to the city treasurer in the manner above specified, provided security has been given by such city treasurer as is required by law or as provided for in this act. And if such security shall not have been given by the city treasurer in the manner and within the time required the common council shall immediately appoint some suitable person who shall give the required security to collect the taxes spread on such roll, and the person so appointed shall thereupon be entitled to receive said tax rolls, and shall collect and pay over such taxes, and may return all his doings thereon in the same manner, and shall have all the powers and perform all the duties, and be subject to the same liabilities as in this act conferred upon the city treasurer. The city treasurer, or person authorized to collect taxes as herein provided, may in his discretion proceed to collect the personal taxes spread upon said roll at any time after the delivery of said rolls to him.

To deliver tax roll with warrant attached to city treasurer.

In case of failure of, treasurer to give security.

Personal taxes, when to be collected.

Tax not to be
invalidated
for matter of
form.

SEC. 12. No general or special tax, or special assessment or charges created, ordered or assessed in said city, upon any property therein, shall be illegal or invalid for any matter or form not affecting the merits of the case, and which shall not injure or prejudice the rights of the person assessed; and all taxes and assessments, both ordinary and extraordinary, and all charges created, ordered, and assessed in said city shall be presumed to be legally assessed until the contrary is affirmatively shown. And no such presumption shall be rebutted, or any sale for taxes assessed in said city rendered invalid, by showing that any paper, certificate, return or affidavit required to be made and filed in any office is not to be found in the office where the same ought to be found or filed; but until the contrary is proved, the presumption shall be in all such cases that such paper, certificate, return or affidavit was regularly made and filed in the proper office according to law.

Council may
impose poll
tax.

SEC. 13. The common council shall have power to assess and collect from every male inhabitant in the city over the age of twenty-one and under the age of fifty years, except paupers, idiots and lunatics, and other persons who are by law exempt, an annual capitation or poll tax not exceeding one dollar, and the common council may provide by ordinance for the collection of the same.

Powers of
treasurer in
collection of
taxes.

SEC. 14. The treasurer of said city may collect any tax on real estate, personal property, poll tax, special assessment or water rate, or any tax or assessment levied by such city against any person or corporation, by suit in the name of the said city against such persons or any person liable to pay said tax, assessment or rate in *assumpsit*, in any court of competent jurisdiction, and may garnishee any debtor or debtors of such person, and the tax roll or book of water rates shall be *prima facie* evidence of the debt sought to be recovered, and there shall be no exemption from the execution issued on the judgment obtained.

CHAPTER XI.

Bonds may
be issued
to settle
judgment.

SECTION 9. Whenever any judgment or decree of any court shall be rendered or decreed against said city, and it shall be unable to meet the payment of such judgment or decree by reason of the limitation of its power of taxation, then and in such case it shall be lawful for the council to issue the bonds of the city to an amount not exceeding the sum of such judgment or decree, and the taxed costs arising in the procuring of such judgment or decree, together with the interest thereon, which bonds may be made payable at such time and place and at such rate of interest, not exceeding six per cent per annum, as shall be prescribed by the council, and such bonds shall be sold and disposed of at not less than par value, in such man-

ner as may be deemed advisable by said council; and the common council of said city shall provide for the payment of said bonds, and the interest thereon, at maturity, by tax levied on all taxable property in said city of North Muskegon.

This act is ordered to take immediate effect.

Approved March 18, 1897.

[No. 355.]

AN ACT to amend section thirteen of chapter seven; sections two, six and eight of chapter nine, and sections two, seven, eight, ten, twelve, thirteen, fourteen, sixteen, eighteen, nineteen and twenty-two of chapter twelve of an act entitled "An act to amend and revise the charter of the city of Marquette, Marquette county," approved March twenty-seven, eighteen hundred and ninety-one, as amended by act number three hundred and twenty-three of the local acts of the year eighteen hundred and ninety-three, and as amended by act number four hundred and nine of the local acts of the year eighteen hundred and ninety-five; and to add three new sections thereto to stand as sections thirty-seven, thirty-eight and thirty-nine of chapter twelve; and to repeal all acts or parts of acts contravening the provisions of this act.

SECTION 1. *The People of the State of Michigan enact,* That section thirteen of chapter seven; sections two, six and eight of chapter nine, and sections two, seven, eight, ten, twelve, thirteen, fourteen, sixteen, eighteen, nineteen and twenty-two of chapter twelve of an act entitled "An act to amend and revise the charter of the city of Marquette, Marquette county," approved March twenty-seven, eighteen hundred and ninety-one, as amended by act number three hundred and twenty-three of the local acts of the year eighteen hundred and ninety-three, and as amended by act number four hundred and nine of the local acts of the year eighteen hundred and ninety-five; be and the same are hereby amended, and that certain new sections be added thereto to stand as sections thirty-seven, thirty-eight and thirty-nine of chapter twelve of said act; said amended sections and added sections to read as follows:

Sections
amended.

CHAPTER VII.

SECTION 13. The said statement shall be signed by the mayor and recorder and filed with the papers of the city, and the same shall be published previous to the fourth Tuesday of March thereafter at the expense of the city in some newspaper to be designated by the common council.

Mayor and
recorder to
sign state-
ment.
Statement to
be published,
when.

CHAPTER IX.

Duties of
recorder.

SECTION 2. The recorder shall perform all the duties and have all the statutory powers of a township or city clerk in respect to the filing and custody of all papers required to be filed and the performance of all other statutory duties. He shall be the clerk of the common council, and shall keep a fair and accurate record of the proceedings of the common council and a record of all claims allowed and disallowed by them. He shall draw and sign all orders on the treasurer for claims and accounts allowed by the common council, and shall keep an account, as near as may be, showing to which funds the same belong. He shall keep the corporate seal and all the documents, official bonds, oaths of office, papers, files and records of the city not by this charter or the ordinances or the resolutions of the common council entrusted to some other officer. He shall countersign and register all licenses granted. He shall, when required, make and certify under the seal of the city, copies of the papers and records filed and kept in his office, and such copies shall be evidence in all places of all matters therein contained to the same extent as the originals would be. He shall have authority to administer oaths and affirmations, and to take acknowledgments of deeds and other instruments in writing. In the discharge of all duties relative to matters coming within the jurisdiction or control of the common council, as clerk of said council and in keeping its records, the manner of performing said work, and in the performing of all other duties as clerk of said council, the recorder and his deputy shall be subject to the direction of the mayor and common council; and the recorder's office shall be open to the public daily from eight o'clock in the forenoon to twelve o'clock noon, and in the afternoon from one o'clock and thirty minutes to five o'clock, Sundays and legal holidays excepted.

Recorder subject to direction of mayor and common council.

Recorder and treasurer may appoint deputies.

SEC. 6. The recorder and treasurer shall each have authority to appoint and employ, subject to the approval of the common council, one deputy, but without cost to the city for the services of such deputy unless specially provided for and allowed in advance by the common council, and for whose official acts he and his bondsmen shall be responsible, which deputy upon duly qualifying shall be authorized to perform any and all the duties of his principal in the name of such principal; but any such appointment may be revoked at any time by the officer making the same and another person appointed as such deputy.

Marshal to be chief of police.

SEC. 8. The marshal shall be chief of police of the city. As police officer he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council and laws of this State made for the preser-

vation of quiet and good order and for the safety and protection of the inhabitants of the city are properly enforced. He shall also possess all the powers of a constable under the laws of this State and such powers as constables possess in townships, and such other powers as are necessary for the service of civil or criminal process issued out of the justices' courts of the city. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall suppress all riots, disturbances and breaches of the peace, and for that purpose may command the aid of citizens in the performance of such duty. It shall be his duty to arrest all disorderly persons in the city. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State or ordinances of the city amounting to a breach of the peace, and forthwith take the person or persons arrested before the proper magistrate or court for examination or trial. And he may also without process arrest and imprison persons found drunk in the streets.

To have powers
of sheriff.

CHAPTER XII.

SECTION 2. On the first Monday in June, and for so many days next thereafter as may be necessary in each and every year (not exceeding five days additional), it shall be the duty of the mayor and controller, together with the supervisors of each ward, to meet at nine o'clock in the forenoon of said day, or days, at the common council room. In case of absence from the city, sickness or inability of the mayor, the president of the common council shall act in his place; and in case of absence from the city, sickness or disability of either of said supervisors, the alderman of his ward having the shortest time to serve shall act in his place; and the said mayor, controller and supervisors, or any of said officers, together with the persons so acting as aforesaid, shall constitute a board of review for the purpose of reviewing the assessment roll of the city, and of correcting any and all errors which said board or a majority of them shall discover in said roll, and of exercising all the powers which boards of review of townships are or may from time to time be authorized by law to exercise at their meetings to be held for the review and correction of the assessment rolls of their respective townships; and any member of said board is hereby authorized to examine on oath any person who shall make an application to said board, and also to administer any oath to any such person, or any person who may be required to file any affidavit with them, or either of them. It shall be the duty of the recorder to keep a record of all the proceedings of said board in a book provided for that purpose, to make regular entries of all resolutions and deci-

Board of
review, when
to meet.

Duties of.

Duty of
recorder.

sions on all questions; to record the vote of each member of said board on any question submitted to the board, if required by any member present, and to file and preserve all petitions, affidavits and other written documents presented to the board. No assessment shall be changed in any way, or entry of other names or property made, on said roll except by a motion or resolution regularly put and adopted by a majority of the members of said board, which motion or resolution shall state the amount at which the assessment is fixed as reviewed by said board. Each day's proceedings of said board shall be read, approved and signed by the chairman thereof. The controller shall cause a notice to the taxpayers of said city to be published in a newspaper published in said city, for two weeks prior to the time of any meeting of said board of review stating the time and place of meeting of said board, and the object for which it will meet; which notice shall be continued on each publication day of said paper during the session of said board; but a failure to give such notice will not invalidate any tax. After the said board shall complete the review of said roll a majority of said board shall endorse and sign thereon a statement, the same in substance as is or shall then be required to be endorsed on the assessment rolls of townships by boards of review thereof. When so completed and certified such roll shall have the same force as evidence of the assessments therein contained, and of the validity thereof, as township assessment rolls so certified have or may then have by the general laws of this State. The omission of such endorsement shall not affect the validity of such roll.

Notice of meeting of board to be published.

Tax roll to be endorsed by board.

Fees for collection of taxes.

SEC. 7. For the collection of all such taxes, the city treasurer, or other persons appointed to collect the same, shall be entitled to receive such percentage as is or may at the time be allowed by law to township treasurers for the collection of taxes. The said treasurer shall collect the tax rolls put into his hands by the assessor within the same time and in the same manner that the several township treasurers are or may be required to collect the taxes in townships, except as otherwise herein provided; and he shall possess all the powers and perform all the duties which are or may be prescribed by law for township treasurers of this State and which are not inconsistent with this act.

Taxes a lien.

Limit of taxation.

SEC. 8. The common council shall have authority to assess, levy and collect taxes on all the real and personal estate taxable in said city, which taxes shall be and remain a lien on the property so assessed until the same shall be paid: *Provided*, That they shall not raise by general tax more than one per cent on the valuation thereof for city purposes, exclusive of State, county, school, water, light and power, library, and taxes to pay bonded indebtedness and interest thereon and highway taxes. They may levy a highway tax not exceeding one-half of one per cent on the valuation of taxable property in said

city, to be assessed and collected in money as other city taxes, but placed upon the assessment roll in the column of highway taxes. In addition to all other taxes herein provided for the council may also raise such further sums annually, not exceeding one-half of one per cent of the assessed valuation of the property of the city, as may be necessary to provide an interest and sinking fund to pay the funded debts of the city and the interest thereon, which shall include school district bonds, water bonds, and electric light and water power bonds, as well as all other city bonds. They may also levy and raise by tax, in addition to all taxes hereinbefore provided for, such sum as may be required to pay any indebtedness of the city maturing or to fall due within the year, arising from loans previously made by the city, or interest thereon.

SEC. 10. All taxes levied as herein provided, for State, county, city and other purposes, shall become at once a debt to the city, from the person or persons owning or occupying the property upon which the same are levied. All said State and county taxes, assessed on real property, shall be a lien on such real property on and after the first day of December following; and all other taxes so assessed on real property shall be a lien on such property on and after the fifteenth day of July of the year for which they are assessed; and the lien for such amounts, and for all interest and charges thereon, shall continue until payment thereof. Taxes assessed on personal property shall be a lien thereon in accordance with the provisions of the general tax law of this State. All State, county and school taxes in said city, and all city, highway and other local taxes, which shall be raised by general taxation, shall be assessed and levied upon the same property, and collected as near as may be in the same manner, as is or may be provided by law for the assessment and collection of taxes by township officers, except as herein otherwise provided. The city treasurer, or city collector, shall make return to and settlement with the county treasurer within the same time and in the same manner as township officers are or shall then be required by law to make such returns and settlements; and after such return the same proceedings shall be had for the collection of taxes returned delinquent, and for the sale of lands for delinquent taxes, as shall then be prescribed by the general laws of this State for the collection of delinquent taxes and sale of lands for delinquent taxes in townships; and all laws that shall from time to time be in force, relating to the redemption of lands sold for taxes, the conveyance of such lands after the redemption shall have expired, and the force and effect of the conveyance given on such sale, shall apply with equal force thereto, except as herein otherwise provided. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards in the townships of this State, in

Taxes made a
debt to city.

City treasurer
to make return,
when.

Duty of council
in regard to
taxes.

reference to said county, State and school taxes, except as is otherwise provided in this act.

When re-sale
of delinquent
lands to be
made.

SEC. 12. Whenever it shall be discovered that the sale of any real estate situated in said city, to the State, for delinquent taxes, heretofore made, or hereafter to be made, pursuant to the decree of any court, as provided by law, is void, either because of the invalidity of the decree for want of jurisdiction, or for any other reason, or because of any defect in the proceedings subsequent to such decree, for the sale of such real estate, or the report and confirmation thereof, and the interest acquired by the State on such sale shall still be held by the State, the Auditor General is hereby empowered to cause a resale thereof in the following manner: If the defect is owing

When defect
is owing to
invalidity
of decree.

to the invalidity of the decree he shall file a new petition in the same court in which said decree was made, alleging the invalidity of the former decree or decrees, and the grounds thereof, and also containing the allegations, and making the reference for descriptions and amount of taxes, interest and charges, to schedules, as required by the provisions of the general laws of this State then in force for proceedings for decree against lands for delinquent taxes and the sale thereof, and praying for a decree declaring such former decrees null and void, as well as for a new decree in favor of the State for the payment of such delinquent taxes, and in default thereof that such real estate be sold. All the provisions of the general laws of this State then in force for proceedings for decree and sale of lands for delinquent taxes shall apply to such petition, and the notice of the pendency thereof, and all subsequent proceedings, to and including the sale and conveyance of the lands, shall be in accordance with such provisions of law. The decree shall be substantially in the same form as may be prescribed by law for decrees against lands for delinquent taxes, except that such former decree or decrees shall thereby be declared void, and it shall direct the sale of the lands covered thereby to be made at the time and place appointed by law for the annual sale of lands for delinquent taxes. The same time shall be allowed for redemption of lands sold on such decree as is allowed by law on other lands sold for taxes.

When sale is
void owing to
defect in pro-
ceedings.

If there shall be a valid decree, and the sale is void because of defect in the proceedings subsequent thereto, the Auditor General may present his petition to said court, setting forth the defect, referring to the said decree and the tax record referred to therein, and praying that such sale may be set aside and a resale ordered. And if the court shall find that such sale is void it shall so order, and the Auditor General shall thereupon proceed to advertise the said lands and cause the same to be sold in the same manner as is provided by law for the sale of lands decreed for sale which for any cause shall not be sold as advertised. And whenever the common council of said city shall request the Auditor General to take proceedings for the

resale of any such real estate, and shall furnish a statement of the alleged defects in the proceedings to obtain such decree or decrees, or to make such sales, it shall be the duty of the Auditor General, if in his opinion such decrees or sales are void, or if he shall be so advised by the Attorney General, to institute the appropriate proceedings for the resale of such lands, as hereinbefore provided. In all cases wherein the sale of any of the lands in said city, made under the general tax laws of this State, has been or may be set aside by any court, or otherwise canceled according to law, and the money paid on such sale shall have been refunded to the purchaser, his representatives or assigns, the lien for the taxes for which such sale was made shall be revested in the State, as if no sale had been made; and the Auditor General shall, as soon as practicable, cause such lien to be foreclosed, and the said lands to be resold in the manner aforesaid.

When lien to be revested in state.

SEC. 13. No general or special tax assessed in said city, upon any property therein, shall be held invalid for want of any matter or thing not affecting the merits thereof; nor shall any excess of tax render any sale of personal property invalid, unless the legal amount of tax, costs and charges were tendered to the officer collecting the same before the sale of such property; and in all cases of sales of real estate for taxes the same may be redeemed within the time, and in the manner, and upon the terms, as provided for in the general laws of this State, and such sales shall have such legal effect as is or may be hereafter given in the general law, to sales of lands for taxes.

Taxes not invalid.

Redemption of real estate.

SEC. 14. Whenever the common council shall determine the necessity thereof or order any street or any portion thereof to be opened, widened, graded, paved, or otherwise improved, or the construction of any sewer, drain, bridge, culvert, or any other like improvement, it may acquire the land and right of way therefor, and may enter into a contract for making such improvements according to the provisions of this charter and the laws and ordinances of the city, and after the cost and expense thereof has been ascertained, it shall cause the same to be assessed upon the lots and real estate herein made subject to such assessment, as hereinafter provided; and in case land or right of way for any such improvement shall have been heretofore acquired, the cost thereof may be included in such assessment: *Provided*, That unless the common council shall otherwise order by three-fourths vote of the aldermen elect, the mayor concurring, it shall be necessary before any liability for any of the cost and expense of any such improvement, other than the cost of the estimate hereinafter provided for, is incurred, to cause, and the common council is hereby authorized to cause an estimate of the probable cost and expense of said improvement to be made by the controller, and cause the amount of said estimate to be assessed upon the lots

Improvements to be assessed on lots.

Estimate of cost of improvement to be made.

and parcels of real estate to be benefited by said improvement, in the manner, as near as may be, as is herein provided for assessing the cost and expenses of improvements in other cases; in which case no contract shall be let or liability incurred for such improvement until at least three-fourths of the said estimated cost and expense thereof, so assessed, shall have been collected; and in case the total cost and expense of said improvement when completed shall exceed the said estimate thereof, the difference between said total cost and expense thereof and said estimate shall be assessed and levied by the controller on the said lots and parcels on the roll upon which said estimate was spread, and the controller shall attach his warrant thereto commanding the collection thereof by the treasurer, and the same shall be collected as other special assessments. In case the said actual cost and expense of said improvement when completed shall be less than the said estimated costs thereof, the difference between the same shall be refunded *pro rata* to the persons or corporations who have paid the same. A proper charge to be determined by the common council for plans, superintendence and engineering services in connection with any such improvement shall be embraced in the items of the costs and expense of any such improvement, as well as the cost of land and right of way therefor. Before ordering any public improvements or repairs, any part of which is to be defrayed by special assessment, the council shall cause estimates of the expenses thereof to be made by the controller, and also plats and diagrams, when they deem the same desirable, of the work and of the locality to be improved, and deposit the same with the controller for public examination; and they shall direct the recorder to give notice thereof and of the proposed improvement or work, and of the district to be assessed, which shall be given by publication for at least ten days in one of the newspapers of the city, and of the time when the council will meet and consider any objection thereto. Unless a majority of the persons owning the property to be assessed for any such improvement shall petition therefor, no such improvement or work shall be ordered, except by the concurrence of the mayor and two-thirds of the aldermen elect: *Provided further*, That the proviso of this section shall not apply to the construction or repair of sidewalks or assessments therefor.

When cost of improvement less than estimate.

Plats of improvements to be deposited with controller.

Property owners to request improvement.

Roll to be revised by council.

When roll to be confirmed.

SEC. 16. On the completion of such assessment rolls by the assessor he shall immediately submit the same to the common council, who shall have power to revise the same, and may change the limits of the assessment district, or the amount of assessment upon any lot or parcel of real estate therein, or may order a new assessment roll to be made by the assessor and submit to the common council for approval.

SEC. 18. When all needful revision and correction of such assessment roll shall have been made, to the satisfaction of

the common council, it shall, by resolution, confirm the same. Upon the completion and confirmation of such assessment roll the same shall be presumed by all courts and tribunals to be regular and valid, and shall be *prima facie* evidence of the validity of the assessments therein made against the persons and property therein named. Upon and after the confirmation of such roll each of the several assessments therein made shall at once be a personal charge against the owner of the real estate against which such assessment was made and, together with all interest and legal charges, shall be and remain a lien on such real estate until the same shall be paid. After the confirmation of any special assessment for any improvement for which the city may have a lien on real estate, a written notice of lien upon the lots or parcels of land, or any of them, on which any such lien is claimed, may, upon the direction of the common council, be issued and recorded in the office of the register of deeds for the county of Marquette, which notice may briefly allege that the city of Marquette claims a lien on such parcel or parcels of land, describing the same, for such special assessment and costs, charges, penalties and interest, and shall describe the improvement for which said assessment was made, which notice shall be subscribed by the recorder and shall bear the seal of the city, and shall remain on file in the office of said register. If any such assessment be not paid when due, the cost of recording such lien may be added to such assessment and other expenses above referred to and shall be collected as a part thereof. Upon the payment of any such assessment, with costs, charges, penalties and interest, on any parcel of land, a brief certificate of the discharge of such lien shall be issued by the officer receiving such payment, and the same may be filed in the office of such register and shall authorize the discharge of such lien upon the record thereof. It shall be the duty of such register of deeds to file and record such notice of lien and release, upon the tender to him of the legal fees therefor. No such assessment, whether heretofore made, or hereafter to be made, shall be held invalid in any court on account of any informality in making the same, or on account of the omission of the name of the owner of the property assessed, or on account of the property having been assessed in the name of any person other than the owner, or on account of any other irregularity, informality, or omission, or want of any matter of form or substance in any proceeding that does not prejudice the property rights of the person whose property is assessed. And in any suit or proceeding to enforce or set aside any such assessment, or to foreclose the lien thereof, such assessment shall be held invalid only for one of the following reasons, viz:

Assessment to be a lien, when.

Lien may be recorded in office of register of deeds.

Cost of recording may be added.

Duty of register of deeds.

Assessment not to be held invalid, except when.

First, That no law authorizes such assessment, or that no ordinance of the common council authorizes the same;

Second, That the person or persons authorized to determine whether such assessment should be made have acted without jurisdiction, or have not ordered or made such assessment;

Third, That the person or property so assessed was exempt from such assessment;

Fourth, That the assessor, or person whose duty it was to make such assessment, in assessing such property, or in apportioning the moneys to be raised upon such assessment, acted fraudulently, to the injury of the person objecting thereto. If such illegality, omission, or fraud affects only a portion of such assessment, it shall be sustained as to the remainder.

When portion
of assessment
may be paid
from general
fund.

SEC. 19. Whenever the common council shall deem it just that a portion of the cost and expense of opening, widening, or improving any street, or of constructing or reconstructing any bridge, culvert, or sewer, should be paid out of any general funds of the city, or out of money borrowed for municipal purposes, it may, at the time such improvement is determined upon and before any liability therefor has been incurred, and not afterwards, either by resolution or ordinance, determine what proportion of the entire cost and expenses of such improvement, including the cost of land and right of way therefor, shall be so paid, and the remainder of such cost and expense shall be assessed upon the lots and parcels of land deemed to be benefited thereby as herein provided.

Collection
of special
assessments.

Suit may be
brought.

SEC. 22. The common council shall have power to provide by general ordinances for the collection of all special assessments, by distress and sale of the personal property of the person liable to pay such assessments, wherever the same may be found within the county of Marquette, and in case no such personal property be found, by a sale of the real estate on which such assessment is levied: *Provided*, That the common council may, in the case of any special assessment, direct a suit to be commenced and prosecuted in the name of the city, in a court of competent jurisdiction, for the recovery thereof; and in such case an action of debt or *assumpsit* may be maintained thereon, and the several courts of this State shall have and exercise jurisdiction thereof, in the same manner and to the same extent as in the case of suits between individuals; but the institution and prosecution of such suit shall not in any case be deemed a waiver by the city of its lien upon the real estate for such assessment: *And provided, further*, That the common council may by resolution or ordinance direct a suit to be instituted in the circuit court for the county of Marquette, in chancery, for the enforcement and foreclosure of the lien of any such assessment or assessments that may be delinquent, whether heretofore made or hereafter to be made. Such suit shall be in the name of the city of Marquette, and any or all owners and other persons interested in any or all of the real estate embraced in any one assessment roll, on which such assessments shall be delinquent, may be joined

as parties defendant to such suit. In any bill filed for the commencement of such suit, it shall be a sufficient allegation of such assessment to set forth that the several parcels of real estate, describing them, have been duly assessed for a local improvement, pursuant to law and an ordinance or ordinances enacted by the common council of the city of Marquette, setting forth the nature of the improvement and the amount of the assessment upon each parcel of real estate embraced in such bill. Such bill shall set forth that such assessments are due and remain unpaid, and shall state the name of the owner of each parcel, according to the best information of the complainant, and the name of any other person who may be known to be interested therein. All subsequent proceedings in such suit shall be in accordance with the established practice of courts of chancery for the foreclosure of mortgage or other liens on real estate. The decree of the court shall specify the amount of lien against each parcel of real estate, shall order the payment thereof within some short reasonable time to be fixed by the court, and the sale of such parcels as shall not be paid within the time so fixed, or so much thereof as shall be sufficient to raise the amount decreed against the same respectively, with interest, costs and expenses of sale, and which may be sold separately without material injury to the interests of the owner. The costs of such suit shall be taxed against the several parcels of real estate, and the owners thereof, and such costs as shall be properly taxable to all shall be apportioned equally among the several parcels. In all other respects the decree shall be substantially the same as an ordinary decree for the foreclosure of a mortgage or other lien, and the sales thereunder shall be made in the same manner and upon the same notice as is required for other sales under chancery decrees in this State, and the expenses of sale shall be equally divided among the several parcels advertised for sale under the decree. If any parcel of real estate shall fail to sell for sufficient to pay the amount decreed against the same, with interest, costs and expenses of sale, said city shall be entitled to a decree for the deficiency thereof against the person or persons personally liable therefor and an execution to collect the same. The officer making such sales shall give conveyance and make report as required by law and the practice of the court; and the practice as to filing exceptions thereto, and confirmation of such sale, shall be in accordance with the usual practice of the court in case of sales under foreclosure decrees. No sale shall be made on any such decree until after the expiration of one year from the commencement of such suit. The city of Marquette shall have power to become the purchaser on any such sale, or on any sale of real estate that may be made under the provisions of this charter or the ordinances of said city, for such assessments. All sales made under any such decree shall become absolute on the confirmation thereof,

What sufficient allegation.

What decree of court to specify.

When property fails to sell for amount decreed.

and the purchaser shall be entitled to a writ of assistance to obtain possession of the property purchased, as in case of sales under foreclosures of mortgages.

When special assessment may be collected on general roll.

SEC. 37. After any special assessment, heretofore or hereafter made has become payable the common council may at any time direct that any or all of the assessments unpaid thereon, and the costs, charges, penalties and interest thereon, shall be collected on the general tax roll. The controller shall levy the amount of such assessments and accrued costs, charges, penalties and interest, to be computed by him, upon the respective lots and premises against which such assessments were originally made and against the persons chargeable therewith, as a tax in the assessment and tax rolls next thereafter to be made, in a column or columns for special assessments; and thereupon the amount so levied in said rolls shall be collected and enforced with the other taxes in said rolls and shall be returned to the county treasurer and Auditor General if delinquent in the same manner; and subsequent proceedings shall be had and sales made and deeds given therefor by the Auditor General, the same as on and for sales for other delinquent taxes, with the same force and effect; and said taxes shall continue to be a lien upon the premises assessed until paid.

Taxes to be paid to city.

SEC. 38. All sums collected for such special assessment on any such tax roll, including redemptions and proceeds of sales, less lawful expenses of collection, shall be accounted for and paid to said city as other local taxes collected on any such rolls.

How special assessments to be collected.

SEC. 39. Until the common council shall direct the collection of any special assessment on the general tax roll, and until the same has been levied thereon, collection of the same shall be proceeded with and enforced in such manner as is or may be provided by the charter and ordinances of the city; and when any such special assessments shall be levied on any general tax roll, entry of that fact and of the year's roll on which the same is levied, shall be made on the special assessment roll on which such assessment was made.

SEC. 2. All acts or parts of acts contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved March 18, 1897.

[No. 356.]

AN ACT to amend section two of act number three hundred forty-eight of the session laws of eighteen hundred and ninety-one, entitled "An act to incorporate the city of St. Joseph, in Berrien county, and to repeal act number two hundred sixty-seven of the session laws of eighteen hundred seventy-three, and all acts amendatory thereof," approved June fifth, eighteen hundred ninety-one.

SECTION 1. *The People of the State of Michigan enact*, That section two of act number three hundred forty-eight of the session laws of eighteen hundred ninety-one, entitled "An act to incorporate the city of St. Joseph, in Berrien county, and to repeal act number two hundred sixty-seven of the session laws of eighteen hundred seventy-three, and all acts amendatory thereof," approved June fifth, eighteen hundred ninety-one be and the same hereby is amended so as to read as follows: Section amended.

SEC. 2. The city shall be divided into four wards as follows: Division of city into wards.
 All the territory north of the center of the river St. Joseph and all the territory within the lines described as commencing at low water mark of Lake Michigan and the center of Pearl street; thence easterly along the center of Pearl street to the center of Main street; thence northerly along the center of Main street to the center of Water street; thence westerly along the center of Water street to the center of State street; thence northerly in a line with the center line of State street as it descends the hill to the center of the river; thence down the center of the river to a point that would intersect the line of the low water mark of Lake Michigan if produced; thence southerly along such low water mark to the place of beginning shall be and constitute the first ward of said city. Second ward. All that territory within the lines described as follows: Commencing at the center of Pearl and Main streets thence easterly along the center of Pearl street to the center of Langley avenue thence southerly along Langley avenue to the first east and west section line thence east along the section line between sections twenty-four and twenty-five to the center of the river St. Joseph thence down along the center of the said river to a point where the center of State street as it descends the hill if produced would strike the center line of the river thence southerly along such produced line to the center of Water street thence easterly to Main street thence southerly along the center of Main street to the place of beginning shall be and constitute the second ward of said city. Third ward. All the territory within the lines described as follows: Commencing at the center of Pearl street and Main street; thence southerly along Main street to Niles avenue thence southerly along the center of Niles avenue to the city limits on the south, thence west to

low water mark of Lake Michigan; thence northerly along such low water mark to the center of Pearl street thence easterly along the center of Pearl street to the place of beginning shall be and constitute the third ward of said city. And all the territory within the limits of said city not included in any other wards shall constitute the fourth ward of the city.

This act is ordered to take immediate effect.

Approved March 18, 1897.

[No. 357.]

AN ACT to allow the board of education of the township of Burt in the county of Alger to bond the township for school purposes.

Board of
education may
borrow money
and issue
bonds.

SECTION 1. *The People of the State of Michigan enact*, That the board of education of the public schools of the township of Burt, in the county of Alger, be and is hereby authorized and empowered to borrow money on the faith and credit of said township, and to issue bonds therefor to an amount not to exceed five thousand dollars which shall be expended in paying the outstanding indebtedness of said public schools of the township of Burt, and in making improvements in the schools of said township: *Provided*, That a majority of the qualified taxpayers of said township voting at an election to be called in conformity with the requirements of this act shall vote in favor of such loan in the manner specified in this act, and not otherwise.

Taxpayers to
vote on ques-
tion.

At special
election.

SEC. 2. The question of raising the money provided for in this act, and issuing the bonds of said township therefor shall be submitted to the qualified taxpayers of said township at a special election called for that purpose. At such election the polls shall be open at nine o'clock in the forenoon and remain open until five o'clock in the afternoon, and the ballots used at such election shall be written or printed, or partly written and partly printed, as follows: "For the Loan," and "Against the Loan," and any elector desiring to vote for the loan shall deposit a ballot "For the Loan," and any elector desiring to vote against the loan shall deposit a ballot "Against the Loan," and said election shall be conducted by the board of inspectors constituted by law to conduct general and special elections, and said board of inspectors shall give notice of said election by posting notices thereof in at least five conspicuous places in said township at least ten days before the day on which said election is to be held.

Ballot, what
to contain.

Election how
conducted.

SEC. 3. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums, not exceeding the amount hereinbefore limited, and payable in such time not exceeding ten years from the date thereof, and with such rate of interest, not exceeding seven per cent per annum as the said board of education shall direct, and shall be signed by the president of said board and countersigned by the clerk, and sealed with the seal of said township, and negotiated by and under the direction of said board of education, and the money arising therefrom shall be appropriated in such manner as said board of education shall determine, for the purposes aforesaid, and said board of education shall have power, and it shall be its duty to raise by tax upon the taxable property of said township such sum or sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

Conditions
of bonds.

Payment of.

This act is ordered to take immediate effect.

Approved March 18, 1897.

[No. 358.]

AN ACT to form and incorporate school district number six in Colfax township, Huron county, Michigan.

SECTION 1. *The People of the State of Michigan enact, That* the following described territory, to-wit: Sections two, three, ten and eleven; the east half of sections four and nine; the east half of the east half of the southwest quarter of section four; the east half of the east half of the northwest quarter of section nine; the west half of the northeast quarter of section sixteen; the north half of section fifteen; the northeast quarter of section fourteen; the west half of the west half of section one and the west half of the west half of section twelve; all in town sixteen north of range twelve east, Huron county, Michigan, and such additional territory as shall hereafter be admitted to such district by the board of school trustees thereof, when authorized by the board of school inspectors of said township of Colfax, shall form and constitute a single independent school district to be known and designated as "School District Number Six of Colfax Township," and said district shall have all the powers and privileges conferred by general law, and hereafter all schools organized therein in pursuance of this act under the direction of the school board shall be public and free to all children, actual residents within the limits thereof, between the ages of five and twenty years inclusive.

What territory
to form district.

Powers of.

District subject
to provisions of
law.

SEC. 2. Except as herein otherwise provided said school district and its officers shall be subject to the provisions of chapter one hundred and ninety-six of Howell's annotated statutes, relating to public instruction and public schools and acts amendatory thereof.

This act is ordered to take immediate effect.

Approved March 18, 1897.

[No. 359.]

AN ACT to authorize the township of Carrollton, of Saginaw county, to borrow money on its faith and credit to be used in the construction of a stone road along the highway known as the Carrollton road in said township from the point where the said Carrollton road intersects the F. and P. M. R., thence northerly along said highway to the south line of the township of Zilwaukee and to issue bonds therefor.

Authority to
borrow money.

SECTION 1. *The People of the State of Michigan enact*, That the township board of the township of Carrollton, in the county of Saginaw, be and it is hereby authorized and empowered to borrow on the faith and credit of said township a sum of money not exceeding six thousand dollars for a term not exceeding ten years at a rate of interest not exceeding six per cent per annum, and to execute the coupon bonds of said township therefor in such form as said board shall determine, which bonds shall in no case be disposed of for a less sum than their par value.

Loan con-
tingent on vote
of electors.

SEC. 2. Such money shall not be borrowed nor such bonds issued unless a two-thirds majority of the qualified electors of said township voting at the annual township meeting to be held in said township on the first Monday in April (1897) eighteen hundred and ninety-seven or at a special election to be called for the purpose of voting on said loan shall so determine, and said township board is hereby authorized and empowered, if they find it necessary, to call a special election for the purpose of submitting the question of said loan to the qualified electors of said township giving due notice thereof by causing the date, place of voting and object of said election to be stated in written notices and by posting said notices in five public places in said township, not less than ten days before said township meeting or said special election, which notices shall state the amount proposed to be borrowed.

Special election
may be called.

Ballot, what to
contain.

SEC. 3. The vote upon the proposition of said loan shall be by ballot either written or printed, or partly written or

partly printed. Ballots in favor of such proposition shall be in the following words: "For the Stone Road Loan—Yes," and the ballots against the same shall be in the following words: "For the Stone Road Loan—No," and it shall be the duty of said township board to provide at the polls of such election, during the whole time while the same shall be open, a sufficient number of ballots both for and against such proposition printed or written in the form above indicated, to furnish all the electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as in other annual or special township elections, and immediately upon the conclusion of such canvass the inspectors of the election shall make and sign a certificate showing the whole number of votes cast upon such proposition and the number for and against the same respectively, and not later than the day following such election such inspectors shall indorse upon such certificate a declaration in writing over their hands and seals of the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said township to be preserved by him among the archives of said township.

Township
board to fur-
nish ballots.

To make
certificate.

SEC. 4. Any money borrowed under the provisions of this act shall be expended in the construction of a stone road (as the township board of said township may determine) over and along the public highway of said township known as the Carrollton road from a point in section thirteen, town twelve north, range four east (Carrollton township) where the said Carrollton road intersects the Flint and Pere Marquette Railroad, running thence northeasterly along said Carrollton road through the village of Carrollton in said township to a point where the said Carrollton road intersects the south line of the township of Zilwaukee in said county and the necessary expense incident to the issue of said bonds and for no other purpose whatever.

Money to be
expended for
stone road.

SEC. 5. In case of the issue of such bonds, it shall be the duty of the supervisor of the said township to spread upon the tax roll of said township in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable thereon and also any instalment of the principal thereof falling due in any such year, but no more than one thousand dollars of such principal shall be made to become due in any one year; and the said interest shall be payable by the treasurer of said township when the same shall become due on the presentation to him of the proper coupon, and said principal shall be payable by said treasurer when the same shall become due on presentation to him of the proper bond.

Supervisor to
spread tax to
pay bonds, etc.

When interest
and principal
payable.

This act is ordered to take immediate effect.

Approved March 18, 1897.

[No. 360.]

AN ACT to change the name of Margaret Matilda Hutchinson, seven hundred and one Center street, corner of Monroe street in the city of Bay City, county of Bay, and State of Michigan, to Margaret Matilda Shearer, (adopted daughter of Mrs. James Shearer).

Change of
name.

SECTION 1. *The People of the State of Michigan enact*, That the name of Margaret Matilda Hutchinson, seven hundred and one Center street, corner of Monroe street, in the city of Bay City, county of Bay, and State of Michigan, be and the same is hereby changed to Margaret Matilda Shearer, (adopted daughter of Mrs. James Shearer).

This act is ordered to take immediate effect.

Approved March 18, 1897.

[No. 361.]

AN ACT to authorize a change of date of the meeting of the board of supervisors of Bay county as provided for by section three hundred and twenty-four, page one hundred and sixty-seven, of Howell's annotated statutes of the State of Michigan.

Time of meet-
ing of board of
supervisors in
Bay county.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors of Bay county shall meet on the third Monday of July, nineteen hundred and one, and on the third Monday of July every fifth year thereafter and when convened the board shall proceed to equalize the assessment rolls in the same manner as is provided in chapter twenty of the revised statute of eighteen hundred and forty-six and each of said supervisors shall add up the columns of their respective rolls, enumerating the number of acres of land, and the value of real estate and personal property so assessed, so as to show the aggregate of each.

Acts repealed.

SEC. 2. All acts and parts of acts contravening the provisions of this act, relative to the county of Bay, are hereby repealed.

Approved March 18, 1897.

[No. 362.]

AN ACT to authorize and empower the boards of school inspectors of the townships of Riley and Berlin, in the county of St. Clair, to rent a portion of the school house situated in the township of Riley.

SECTION 1. *The People of the State of Michigan enact*, That the board of school inspectors of the township of Riley, and the board of school inspectors of the township of Berlin, in the county of Saint Clair, be and are hereby authorized and empowered to rent or sub-let the second story of the school house situated at Riley Centre, township of Riley, in the fractional school district composed of the townships of Riley and Berlin, upon such terms and under such conditions as may be deemed expedient: *Provided, however*, That the purposes for which such portion of said school house may be rented or sub-let shall be legitimate. Authority to rent portion of school-house.

SEC. 2. Before the authority hereinbefore conferred may be exercised, it shall require a majority vote of the boards of school inspectors of the township of Riley, and the township of Berlin. Majority vote of school inspectors required.

This act is ordered to take immediate effect.

Approved March 18, 1897.

[No. 363.]

AN ACT to vacate the township of Galilee, in Charlevoix county, and attach the same to the township of Peaine, in said county.

SECTION 1. *The People of the State of Michigan enact*, That the township of Galilee in the Beaver Islands and within the county of Charlevoix be and the same is hereby disorganized and vacated, and the territory is hereby attached to the township of Peaine in said county of Charlevoix. Township vacated.

SEC. 2. All books, papers, records and other property, formerly belonging to the said township of Galilee, shall become the property of the township of Peaine, and shall be deposited in the office of the township clerk of said township of Peaine. Disposition of books, papers, etc.

SEC. 3. All outstanding indebtedness of the said township of Galilee shall be assumed by and be made a charge against the consolidated township of Peaine, and said township of Peaine shall pay the same in like manner as other township indebtedness is paid. Indebtedness.

Polling place. SEC. 4. The polling place for the re-organized township of Peaine shall be in the village of St. James, in said township.
This act is ordered to take immediate effect.
Approved March 18, 1897.

[364.]

AN ACT to revise and amend the charter of the city of Muskegon, and to repeal all conflicting acts relating thereto.

TITLE I.

INCORPORATION AND BOUNDARIES.

**Boundaries
described.**

SECTION 1. *The People of the State of Michigan enact,* That all the following tract and parcel of land situate in the county of Muskegon and State of Michigan, described as follows, to wit: Commencing at the quarter post between sections sixteen and seventeen, in town ten north, range sixteen west; thence south on section line to southeast corner of section twenty-nine in said town; thence west on section line to the northeast corner of the northwest quarter of the northwest quarter of section thirty-six, in town ten north of range seventeen west; thence south on half quarter or eighth line thirteen hundred and twenty feet; thence west on one-eighth line three hundred and eighty-five feet; thence south parallel with north and south one-eighth line nineteen hundred and eighty feet to south line of McGraft Park, so called; thence west along south line of said McGraft Park nine hundred and thirty-five feet to west line of said section thirty-six; thence south on section line to the southwest corner of said section thirty-six; thence west on section line to Lake Michigan; thence northwesterly along shore of Lake Michigan to center of Muskegon river or channel; thence northeasterly and easterly along center line of Muskegon river or channel and Muskegon lake to a point north thirty-two degrees west of the intersection of north line of section thirty-five, in town ten north, of range seventeen west, with the shore of Lake Muskegon; thence northeasterly in a straight line to a point on west line of section seventeen, in town ten north of range sixteen west, eighty rods north of the southwest corner of said section seventeen; thence east on half quarter or eighth line to the north and south quarter line of said section seventeen; thence northeasterly to quarter post between sections sixteen and seventeen or place of beginning, including all lands in said boundaries, and the portion of said Muskegon lake or river included therein, be and is

hereby set off from the township of Muskegon and the township of Lakeside, and declared to be a city, by the name of "The City of Muskegon," by which name it shall hereafter be known.

SEC. 2. The freemen of said city from time to time being inhabitants thereof, shall be and continue a body corporate and politic, to be known and distinguished by the name and style of "The City of Muskegon," and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of law and equity, and in all other places whatsoever, and shall have a common seal, which they may alter or change at pleasure, and by the same name shall be and are hereby made capable of purchasing and holding and disposing of any real and personal estate for said city. All process issued against said city shall run against said city in the corporate name thereof, and such process shall be served by leaving an attested copy of the same with the mayor, recorder or city attorney.

SEC. 3. The city shall be divided into eight wards as follows: The first ward shall embrace all that portion of the city lying northerly of Ryerson creek. The second ward shall embrace all that portion of said city lying southerly of Ryerson creek and northerly and easterly of a line described as follows: Beginning at the intersection of Rathborne street with Ryerson creek; thence southerly along Rathborne street to Myrtle street; thence southwesterly along Myrtle street to Fork street; thence southerly along Fork street to Apple street; thence east along Apple street to Wood avenue; thence south along Wood avenue to Laketon avenue. The third ward shall embrace all that portion of said city bounded as follows: Beginning at the intersection of Western avenue with Ryerson creek; thence southwesterly along Western avenue to Pine street; thence southeasterly along Pine street to Irwin street; thence easterly along Irwin street to Wood avenue; thence north along Wood avenue to Apple street; thence west along Apple street to Fork street; thence northerly along Fork street to Myrtle street; thence northeasterly along Myrtle street to Rathborne street; thence northwesterly along Rathborne street to Ryerson creek; thence along Ryerson creek to place of beginning. The fourth ward shall embrace all that portion of the city bounded as follows: On the easterly by a line described as follows: Beginning at the intersection of Walton street and Pine street; thence northwesterly along Pine street to Western avenue; thence along Western avenue to Ryerson creek; thence along Ryerson creek and the dividing line between the mill property of Torrent and Company and Ryerson, Hills and Company, to city limits; on the southerly by a line described as follows: Beginning at the intersection of Pine street with Walton street; thence southwesterly along Walton street to Park street; thence west along Park street

Body corporate
and politic.

The city to be
divided into
wards.
First ward.
Second ward.

Third ward.

Fourth ward.

Fifth ward.

to Muskegon avenue; thence southwesterly along Muskegon avenue to Fourth street; on the westerly by a line described as follows: Beginning at the intersection of Fourth street with Muskegon avenue; thence northwesterly along Fourth street to Western avenue; thence southwesterly along Western avenue to the line between blocks three hundred twenty-six and three hundred twenty-seven; thence along said dividing line to the city limits; on the northerly by the city limits. The fifth ward shall embrace all that portion of said city bounded on the north by a line described as follows: Beginning at the intersection of Muskegon avenue with Fourth street; thence northeasterly along Muskegon avenue to Park street; thence east along Park street to Walton street; thence northeasterly along Walton street to Pine street; on the east by a line described as follows: Beginning at the intersection of Walton street and Pine street; thence southeasterly along Pine street to Irwin street; thence east along Irwin street to Wood avenue; thence south along Wood avenue to Laketon avenue; on the south by Laketon avenue; on the west by a line described as follows: Beginning at the intersection of Jefferson street with Laketon avenue; thence north along Jefferson street to Fourth street; thence northwesterly along Fourth street to Muskegon avenue. The sixth ward shall embrace all that portion of said city bounded on the east by a line described as follows: Beginning at the intersection of Laketon avenue with Jefferson street; thence north along Jefferson street to Fourth street; thence northwesterly along Fourth street to Western avenue; thence southwesterly along Western avenue to the dividing line between blocks three hundred twenty-six and three hundred twenty-seven; thence along said dividing line to the city limits; on the northwest by the city limits; on the west by a line described as follows: Beginning at the intersection of Glade street with Laketon avenue; thence north along Glade street to Houston avenue; thence northeasterly along Houston avenue to Ninth street; thence northwesterly along Ninth street to Western avenue; thence along Western avenue to the dividing line between blocks three hundred thirty and three hundred thirty-one; thence along said dividing line to the city limits. The seventh ward shall embrace all that portion of said city bounded as follows: Beginning at the intersection of Glade street with Laketon avenue; thence northerly along Glade street to Houston avenue; thence northeasterly along Houston avenue to Ninth street; thence northwesterly along Ninth street to Western avenue; thence along Western avenue to the dividing line between blocks three hundred thirty and three hundred thirty-one; thence northwesterly along said dividing line to city limits; thence recommence at said point of beginning and run west on Laketon avenue to the northeast corner of the northwest quarter of the northwest quarter of section thirty-six in town ten north of range seventeen west; thence south on half

Sixth ward.

Seventh ward.

quarter on eighth line thirteen hundred and twenty feet; thence west on one-half line three hundred and eighty-five feet; thence south parallel with north and south one-half line to the center of Ruddiman creek, so called; thence in a northwesterly direction along center of Ruddiman creek to Muskegon lake or city limits; thence northeasterly along line of city limits to the intersection with line between blocks three hundred thirty and three hundred thirty-one, if extended northwesterly to city limits. The eighth ward shall embrace all that portion of said city lying west of the center of Ruddiman creek. Eighth ward.

SEC. 4. Each ward shall be divided into such voting precincts as the council shall from time to time determine by ordinance. Voting precincts.

TITLE II.

REGISTRATION, ELECTORS AND ELECTIONS.

SECTION 1. The inhabitants of the city of Muskegon, having the qualifications of electors under the constitution of the State of Michigan, and no others, shall be electors therein. Qualifications of electors.

SEC. 2. Every elector shall vote in the voting precinct where he shall have resided during the twenty days next preceding the day of election. The residence of any elector not being a householder shall be deemed to be where he lodges. Where to vote.

SEC. 3. There shall be one alderman of each ward and two competent electors of each voting precinct, not more than two of whom shall belong to the same political party, designated by the council, who shall constitute a board of registration for each of the voting precincts respectively. In case any member of such board shall be absent or unable to attend any meeting of such board, the other members of said board shall choose a competent elector of said voting precinct to act in his place, subject to the approval of the electors present, to be determined by a *viva voce* vote. Said board shall meet on the Saturday next preceding each election at such place in the voting precinct as may be determined by the council, and shall remain in session from nine o'clock in the forenoon until nine o'clock in the afternoon for the purpose of completing the list of qualified electors. All proceedings relating to such registration shall be the same as those provided by law for townships, so far as they are not inconsistent with the provisions of this act. There shall be a new registration of the voters of the city of Muskegon on the Saturday next preceding the first Monday in April in the year eighteen hundred and ninety-seven and each fourth year thereafter, and of the voters of said city, or any ward thereof at such other times as may be rendered necessary by a change in the boundaries of any of the voting precincts. Board of registration.
Vacancy in.
Meeting of.
Proceedings.
New registration.

Annual election.	SEC. 4. A city election shall be held on the first Monday in April following the adoption of this charter, and on the first Monday in April of each year thereafter, at such places in the several voting precincts of the city as the council shall designate.
Special election.	SEC. 5. Special elections may be held in and for the city or in and for any ward thereof, at such times and place or places as the council shall by resolution designate, the purpose and object of which shall be fully set forth in said resolution.
Duty of council.	SEC. 6. Whenever a special election is to be held, the council shall cause to be delivered to the inspectors of election in each voting precinct where the same is to be held, a notice signed by the recorder specifying the officer or officers to be chosen, and the question or proposition, if any, to be submitted to the electors, and the day and places at which such election is to be held; the manner of holding the election shall be the same as at the annual city election.
Notice, contents of, etc.	SEC. 7. Notice of the time and place of holding any election, and of the officers to be elected, and the questions to be voted upon, shall be given by the recorder at least ten days before such election by posting such notices in three public places in each voting precinct in which the election is to be held. In case of a special election, the notice shall set forth the purpose and object of said election as fully as the same are required to be set forth in the resolution calling such election.
Ballot boxes.	SEC. 8. The council shall provide and cause to be kept by the recorder, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.
Opening and closing polls.	SEC. 9. On the day of elections held by virtue of this act, the polls shall be open in each voting precinct at the several places designated by the council at seven o'clock in the morning, and shall be kept open until five o'clock in the afternoon, at which hour they shall be closed. The inspectors shall cause proclamation to be made of the opening and closing of the polls.
Proclamation.	SEC. 10. One alderman of each ward and two competent electors of each voting precinct, to be designated by the council, not more than two of whom shall belong to the same political party, shall be inspectors of election in each voting precinct, and of the State, county and district election. And in case of the absence of one or more of such inspectors, the electors present shall choose <i>viva voce</i> from their number one or more competent persons who shall be an elector or electors of such voting precinct, not being members of the same political party, to fill such vacancy or vacancies, to whom shall be administered the constitutional oath of office by either of said inspectors, or by any person authorized to administer oaths.
Inspectors of election.	SEC. 11. The inspectors shall elect one of their number chairman of said board, and one of their number clerk of said board, and they may appoint one other competent elector to act as clerk also of said board. Members and clerks of the board of registration, and the inspectors and clerks of election shall
Vacancies.	
Officers of board.	
Compensation.	

each receive such compensation for their services as the council shall allow, provided that members and clerks of the board of registration shall not receive to exceed the sum of two dollars each for each registration, and that inspectors and clerks of election shall not receive to exceed the sum of four dollars each for each election.

SEC. 12. No person shall act as a member of the board of registration, inspector of election, or clerk of either of said boards until he shall have taken the constitutional oath of office. Oath.

SEC. 13. All registration and elections under this act shall be conducted, controlled and governed by the general laws of the State except as herein otherwise provided. How conducted.

SEC. 14. Immediately after closing the polls, the inspectors of election shall, without adjournment or recess, publicly canvass the vote received by them and publicly declare the result and shall at once, without adjournment or recess, make one certificate of the number of votes given for each person for the several offices in and for said city, and also one certificate of the number of votes cast for the several ward officers, together with a statement and certificate, in duplicate, setting forth the whole number of votes cast for any other office, or on any other question voted upon at such election, which certificates and statements shall be immediately filed in the office of the recorder of said city, together with the poll lists and the register of electors, and the boxes containing said ballots: *Provided, however,* That a duplicate of the statements and certificates last above mentioned shall at the same time be filed in the office of the county clerk of said county. Canvass of vote.
Certificate.
Proviso.

SEC. 15. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this State, and the inspectors shall in all other respects, except as herein otherwise provided, conform to the duties required of inspectors of elections at such general elections. Manner of canvassing votes.

SEC. 16. The council shall convene on Thursday next succeeding such election, at the usual hour and place of meeting, and proceed and canvass said returns, and from the statements and certificates so filed with the recorder shall determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at said election to the several offices respectively within and for said city, and the wards thereof. Thereupon the recorder shall make duplicate certificate under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon and what persons were declared elected to the several offices respectively, one of which certificates he shall file in the office of the county clerk of the county of Muskegon, and the other shall be filed in the office of the city recorder. Meeting of council, purposes of.
Recorder's certificate.
Filing certificate.

Who deemed
elected.

SEC. 17. The person receiving the greatest number of votes for any office in the city or ward as shown by said statements and certificates shall be deemed to have been duly elected; and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons, which shall be considered elected to such office.

Notice to
persons
elected.

SEC. 18. It shall be the duty of the recorder within five days after the meeting and determination of the council, as provided above, to notify each person elected in writing of his election; and each of said officers so elected and notified shall within ten days after such notice take and subscribe the constitutional oath of office and deliver the same to the said recorder who shall file the same in his office.

Oath of office.

TITLE III.

OFFICERS.

City and ward
officers.

SECTION 1. The officers of said city shall be one mayor, one recorder, one treasurer, one assessor, four justices of the peace, who shall be designated city officers and shall be elected by the qualified voters of the whole city; also one alderman, one supervisor, and one constable in each ward, who shall be designated ward officers, and shall be elected by the qualified voters of the respective wards. Said officers shall be elected as follows, namely: The mayor and constables shall be elected annually and shall hold their offices one year and until their successors shall be elected and qualified. The recorder, treasurer, assessor, alderman, and supervisor shall be elected biennially and shall hold their respective offices for two years and until their successors shall be elected and qualified. At each annual election there shall be elected one justice of the peace, and such number of justices of the peace as shall be necessary to fill vacancies then existing; but no person elected to fill a vacancy shall hold any office provided for in this act for a longer time than during such unexpired term, unless again elected.

Terms of
office.

Proviso.

Appointed
officers.

SEC. 2. The following officers shall be appointed by the council on the nomination of the mayor, as provided in section twenty-three of title seven of this act, namely: One city attorney, one city accountant, one chief of police, one police justice, one street commissioner, one superintendent of water department, one chief engineer of fire department, one city physician, one city surveyor, one harbor master, one director of the poor, one pound master, one sealer of weights and measures: *Provided*, Two directors of the poor may be appointed. The same person may be appointed to the offices of chief of police and street commissioner, and the same person may be

appointed superintendent of water department and chief engineer of fire department. The council may also from time to time provide by ordinance for the appointment of such other officers for such term as may be provided in the ordinance, whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act; the officers last aforesaid shall be appointed and may be suspended and removed as provided in section twenty-three of title seven of this act. The powers, duties, and compensation of all officers appointed under such ordinance, not otherwise provided for in this act, shall be prescribed by such ordinance. The Board of Public Works as at present constituted shall continue in existence with the same powers and duties as they exist under the charter of said city of Muskegon, as at present in force, until the first day of May, eighteen hundred and ninety-eight (1898), at which time said Board of Public Works shall become and be extinct; after the said first day of May, eighteen hundred and ninety-eight (1898), the duties heretofore performed by the said Board of Public Works shall become and be vested solely in said common council of said city, which shall perform all the duties heretofore exercised by said board: *Provided*, That the common council shall during the time that said board continues to exist, have the power to fill all vacancies that may occur in said board in the same manner as provided in the charter now in force.

Board of
public works,
existence of.

SEC. 3. All justices of the peace, aldermen and other officers elected or appointed, under the former act of incorporation of the city, shall continue in office for the term for which they were severally elected or appointed. At the first election under this act shall be elected one supervisor from each ward and at the spring election every two years thereafter one supervisor shall be elected from each ward, who shall hold their office for the term of two years. At the spring election in the year eighteen hundred and ninety-eight and every two years thereafter there shall be elected one alderman from each ward who shall hold their office for the term of two years.

Justices of
the peace,
etc., election
of.

Election of
ward super-
visors, term
of office.

Alderman,
term of office.

SEC. 4. The city assessor elected at the general election in November, eighteen hundred ninety-six, shall hold his office until the first day of January, eighteen hundred ninety-nine. At the general election in November, one thousand eight hundred and ninety-eight, and at the general fall election every two years thereafter, an assessor shall be elected in and for said city, and shall hold his office for the term of two years from the first day of January after said election. There shall be elected at the spring election in April eighteen hundred and ninety-eight one city recorder for a term of two years and who shall hold his office until the first Monday in May in the year nineteen hundred, and biennially after said election there shall be elected one city recorder who shall hold his office for the term of two years.

Election of
assessor and
term of office.

Recorder and
term of office.

Terms of
appointed
officers.

SEC. 5. The term of office of all officers nominated by the mayor and confirmed by the council, except officers appointed to fill vacancies, shall be for the period of one year, from the first day of May of the year in which such appointment is made, unless a different term of office shall be provided in this act or in the ordinance creating the office. Officers appointed to fill vacancies in any office shall hold said office for the balance of the unexpired term only.

Terms of
justices.

SEC. 6. The justices of the peace elected for the full term of four years shall enter upon the duties of their office on the fourth day of July next after the election. In all cases, not herein otherwise provided, officers shall respectively enter upon the duties of their office, immediately upon taking the oath of office, and giving the security, if any, required for the performance of their duties.

TITLE IV.

QUALIFICATIONS, OATH AND BOND OF OFFICE.

Qualifications
of officers.

SECTION 1. No person shall be elected or appointed to any office, unless he be an elector of the city, and if elected or appointed for a ward must be an elector thereof.

Oath of officers.

SEC. 2. Justices of the peace shall take and file an oath of office with the county clerk of Muskegon county, within the same time and in the same manner as in case of justices of the peace elected in townships. All other officers, elected or appointed to any office in the city shall, within ten days after receiving notice of their election or appointment, take and subscribe the constitutional oath of office, and file the same with the recorder.

Official bonds.

SEC. 3. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk the security for the performance of his official duties, required by law, in case of justices of the peace, elected in townships, except that such security shall be first approved by the council; and in case such justice shall enter upon the execution of his office, before having filed his official oath and the security aforesaid, he shall be liable to the same penalties as are provided in case of justices of the peace elected in townships.

Sufficiency of
sureties.

SEC. 4. Every officer, elected or appointed to an office in the city, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the city recorder such bond as may be required by the council and with such sureties as shall be approved by the council, for the due performance of the duties of his office, and to duly account for such property and money as shall come into his hands by virtue of his office: *Provided*, That the bond of the city recorder shall be deposited with the city treasurer.

SEC. 5. At the first meeting of the council after the expiration of the time in which any official bond or oath of office is required to be filed, the recorder shall report in writing to the council the names of persons elected or appointed to office who have neglected to file such oath and bond. Neglect to file oath and bond.

SEC. 6. The council may at any time require any officer, whether elected or appointed, to execute and file as above provided, new or additional bonds in the same or in such further sums, with new and such further security as said council may deem proper for the interests of the city. A failure to comply with such requirements shall subject such officer to immediate removal by the council. New bonds.

TITLE V.

RESIGNATIONS, REMOVALS AND VACANCIES.

SECTION 1. Resignations of elective officers and officers appointed by the council shall be made to the council, subject to its approval and acceptance. Resignations.

SEC. 2. If any officer shall cease to be a resident of the city, or if elected or appointed in and for a ward shall remove therefrom during his term of office, the office shall thereby be vacated. Removal, etc., cause for vacancy.

SEC. 3. If any person elected to or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security. When office may be declared vacant.

SEC. 4. A vacancy in the office of mayor, or any alderman, occurring more than ninety days before any city election, may be filled by a special election. A vacancy in the office of alderman or justice of the peace occurring within ninety days before an annual election, shall be filled at the next annual city election. Vacancies in any other office shall be filled by appointment, as in this act provided, within twenty days after the vacancy occurs, or if the vacancy be in an elective office, it may be filled by an election or an appointment, in the direction of the council. Vacancies, how filled.

SEC. 5. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office release such officer or his sureties from any liability incurred by him or them. Vacating office does not exonerate sureties.

SEC. 6. Whenever any officer shall resign or be removed, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor, all the books, papers, moneys and effects in his custody, in any manner appertaining to his office. Every officer, appointive or elective, violating the provisions of this section, shall be When officer does not deliver property of office to successor. Neglect a misdemeanor.

deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally, for like offenses, under the general laws of the State.

TITLE VI.

DUTIES AND COMPENSATION OF OFFICERS.

Mayor.

Powers and
duties of
mayor.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council, and shall from time to time give the council information concerning the affairs of the city, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws relating to the city and the ordinances and regulations of the council are enforced. He shall be *ex officio* a member of the board of supervisors of Muskegon county, and shall have the same powers, perform the same duties and receive the same compensation as township supervisors.

Idem.

SEC. 2. The mayor shall be conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances of such city, and to suppress riot and disorderly conduct.

Idem.

SEC. 3. He may suspend any officer nominated by him and confirmed by the council at any time for neglect of duty or improper conduct, and may suspend any policeman for like cause. He shall have authority at all times to examine and inspect the books, records and papers of any agent, employé or officer of the city, and shall perform all such duties as are or may be prescribed by the ordinances of the city.

Acting mayor.

SEC. 4. In the absence or disability of the mayor, or in case of any vacancy in his office, the president *pro tempore* of the council shall be the acting mayor, and shall have the same powers and perform the same duties as are conferred upon the mayor: *Provided*, That said president *pro tempore* shall make no nomination to office during the temporary absence of the mayor from the city, unless such absence exceed a period of twenty days.

Proviso.

Aldermen.

Duties of
aldermen.

SEC. 5. The aldermen of said city shall be members of the council and attend the meetings thereof, and act upon committees when thereunto appointed by the mayor or council. As conservators of the peace they shall aid in maintaining quiet and good order in the city, and in securing the faithful per-

formance of duty by all officers of the city. No alderman shall be elected to any other office in the city, except mayor, during the term for which he was elected as alderman, nor appointed to any other office in the city within one year thereafter.

Not hold other office.

Recorder.

SEC. 6. The recorder shall keep the corporate seal and all the documents, official bonds, papers, files and records of the city not by this act or the ordinances of the city entrusted to some other board or officer. He shall be clerk of the council; he shall attend its meetings, record its proceedings, ordinances and resolutions in proper books provided therefor; clerk of the board of public works so long as said board shall exist under this charter, and clerk of all committees of both said bodies. He shall countersign and register all licenses granted, and shall when required make and certify under the seal of the city, copies of the papers, records and files kept in such office, and such copies when so certified by him shall be evidence in all cases of the matters therein contained to the same extent as the original would be. He shall possess and exercise the powers of township clerk and he shall have all the powers so far as the same are required to be performed within the city, and he shall have all the powers within the city conferred by law on notaries public. All claims against the corporation shall be filed with him for adjustment. After examination thereof, he shall report the same with all accompanying vouchers, counterclaims of the city in his possession, to the council for allowance, and when allowed shall draw and sign all warrants upon the city treasurer for the payment thereof, designating thereon from which fund payment is to be made, and shall take proper receipts therefor. When any taxes or money shall be levied, raised or appropriated, the recorder shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised or appropriated and the amount thereof to be credited to such fund.

Recorder, powers and duties of.

As clerk.

Claims to be filed with.

To draw warrants.

Taxes.

SEC. 7. He shall keep a record of all bonds issued by the city with the number, amount and dates, when issued, when payable, and all coupons attached thereto, and shall keep an account in proper books of all such bonds, and bonded indebtedness for the information of the council. He shall countersign all bonds issued.

To keep record of bonds.

City Accountant.

SEC. 9. It shall be the duty of the city accountant to keep the financial accounts of the city and countersign all orders upon the treasury. He shall keep a record of all bonds issued by the city with the number, amount and dates when issued, when payable, and all coupons attached thereto, and shall keep an account in proper books of all such bonds and bonded

City accountant, duties of.



Annual statement.	<p>indebtedness, for the information of the council and city treasurer. He shall also in like manner keep an account of all funds, taxes, assessments, receipts and expenditures, and shall report to the council and city treasurer at the first regular meeting of said council in each month the condition of the several funds of said city, and shall at the last regular meeting of the council in March in each year make out and present a full statement and balance sheet of the financial accounts of the city, with such recommendations and explanations as may be proper to add thereto. He shall keep a complete set of books showing the financial condition of said city in its various departments and funds, its resources and liabilities, with proper classification thereof of each fund or appropriation for any distinct object or expenditure or class of expenditure. When any such fund or appropriation has been exhausted by warrants already drawn thereon, or by appropriation, he shall report at once such fact to the council, and shall thereafter countersign no warrants on any such fund while so exhausted. He shall open an account with the city treasurer, in which he shall charge said treasurer with the whole amount of taxes, special or general, levied in said city and placed in his hands for collection, all sums received for licenses, rents and all other moneys which may be paid into the city treasury, and all bonds, coupons, notes, leases, mortgages, interests and bills receivable by said city of whatever nature, and shall in connection with the city treasurer and recorder check and balance the several books of account of said city on the first of each and every month. Immediately upon entering upon the duties of his office, he shall make a complete inventory of all the property of said city and shall charge all other officers of the city with all funds, moneys and property placed or being in their possession, and shall require a statement of such officers at least once in each year and as much oftener as may be deemed by himself or by the council for the best interests of the city and the safety of its property. He shall give said treasurer and all other officers credit for all moneys disbursed upon showing proper vouchers, and for all property consumed and destroyed by ordinary wear and use, and not otherwise. He shall have a seat in the council; shall attend meetings thereof, and may speak upon all matters that come before it relative to the duties of his office, and may serve upon committees thereof, but shall have no vote in said council. He shall also on or before the first day of June in each year submit to the council a detailed statement of the amounts of money which in his opinion it would be necessary to raise by taxation for all city purposes for the ensuing year. He shall perform all such other duties relating to the finances of the city and pertaining to his office, as the council may require. In case of the death, absence from the city, disqualification or inability to act, of said recorder, the mayor shall in writing, appoint a competent and suitable person as acting recorder, who shall</p>	
To keep a complete set of books.		
Account with city treasurer.		
Monthly balance of books.		
Inventory of property to be made.		
Statement of officers.		
To attend meetings of council.		
May serve on committees. To make statement of amount of money necessary to raise.		
When mayor may appoint person to act as recorder.		

perform all the duties of said office, and receive the same compensation, during the absence, disqualification, or inability to act, of said recorder, or until said vacancy is filled in the manner prescribed by this act.

City Treasurer.

SEC. 10. The city treasurer shall be, by virtue of his office, the collector of all taxes and assessments, both general and special, levied and made within said city, and of all moneys for the use of the city water and support of the water department. He shall be receiver and custodian of all moneys paid to or belonging to said city for any purpose whatever.

Treasurer to collect taxes.

SEC. 11. He shall keep an accurate account, under proper heads, of all moneys received, and all warrants paid by him. He shall exhibit to the council at its last regular meeting in March of each year, and at such other times as the council shall require, a full and true account of the receipts and expenditures from and after the date of the last annual report, and also the state of the treasury, which account shall be left to a committee for examination, and if found correct shall be filed.

To keep account, etc

Financial statement.

SEC. 12. The treasurer shall pay no money out of the treasury, except in pursuance of and by authority of law, and upon warrants signed by the recorder and countersigned by the mayor or acting mayor and treasurer, and shall pay no warrants on any fund after the same has been exhausted.

Money to be drawn by warrants.

SEC. 13. All funds of the city, collected or received by him, shall be deposited in such bank or banks within the city as shall be designated by the council. The bank so designated shall give security to be approved by the council for the safe keeping and repayment, upon proper warrants, signed and countersigned as above provided. The council may require additional security from said bank at any time, or may revoke said designation, when in its opinion the interests of the city and the safety of its funds shall require it. All moneys so deposited shall at all times be subject to withdrawal upon warrants, signed and countersigned as above provided. The interest upon such deposits shall be paid into the city treasury and credited to the contingent fund of said city. His term of office shall commence on the first day of May succeeding his election.

Disposition of money collected by treasurer.

When term of office to commence.

Chief of Police.

SEC. 14. The chief of police shall be subject to the direction of the council, as in this act provided; he shall likewise be subject to the directions of the mayor. It shall be his duty to see that all ordinances and regulations of the council made for the preservation of quiet, good order and for the safety and protection of the inhabitants of the city, are promptly enforced.

Subject to direction of council and mayor. Duties of.

As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him in all proceedings for violations of the ordinances of the city, and such process may be served anywhere within the State.

Idem. SEC. 15. He shall suppress all riots, disturbances and breaches of the peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the corporation and pursue and arrest, in any part of this State, any person fleeing from justice. He shall arrest upon view and with or without process, any person found in the act of committing any offense against the laws of the State, or the ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial, and may arrest and imprison persons found drunk in the streets, until they shall become sober.

Report arrests. SEC. 16. He shall report in writing and on oath to the council at its first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month, also the number remaining in confinement for breaches of the ordinances of the city, and the amount of all fees collected by him. All moneys received or collected by him shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the city recorder. In addition, he shall perform such other and further duties pertaining to his office as the council may require.

Fees. SEC. 17. He may collect and receive the same fees for services performed by him as are allowed to constables for like services, but in no case shall such fees be charged to or be paid by the city, and the same shall be paid into the city treasury as above provided.

City Attorney.

Additional duties of city attorney. SEC. 18. The city attorney, in addition to other duties prescribed in this act, shall be the legal adviser of the council and of all officers and boards of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute for offenses against the ordinances of said city. Said city attorney, *ex officio*, shall be a member of the board of supervisors, of the county of Muskegon, and he shall attend all the meetings of said board, and be entitled to vote upon all matters that may be brought before the board of supervisors, and shall exercise the same privileges and perform the same duties as other members of said board, and for attending all such meetings, he shall receive the same compensation authorized by law to be paid township supervisors for similar ser-

Member of board of supervisors.

Compensation of.

vices, to be audited by the board and paid by the county. It shall also be his duty to see that the annual appropriation bill is properly passed, as provided for in title nine, of this charter, and to supervise the assessment and tax rolls provided for in this charter, and when in his opinion, said rolls have been properly completed, he shall endorse his approval on each of said rolls. He shall be present at the meetings of the board of supervisors at the time said board shall equalize said assessment roll and supervise such equalization in behalf of the city. He shall see that all rejected taxes upon the lands in the city are ordered properly reassessed. He shall see that the city treasurer makes a proper return to the county treasurer as required in said charter, and under the general tax law of this State, and he shall also appear in behalf of the city and act in conjunction with the State's attorney in resisting any objections that may be made to the taking of a decree for the sale of any lands within the city for delinquent taxes.

Passage of annual appropriation bill.

To certify to assessment rolls.

Duties relative to rejected taxes.

City Surveyor.

SEC. 19. The city surveyor shall have and exercise within the city like powers and duties as are conferred by law upon county surveyors, and the like effect and validity shall be given to his official acts, surveys and plats as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications required by the council or officers of said city relating to public improvements, buildings, grounds, streets, and alleys of said city, and shall perform such other duties as the council may by resolution prescribe or direct. He may, subject to the approval of the council, appoint such assistants as the duties of his office may require. The compensation of said surveyor and his assistants shall be fixed by the council.

Powers and duties of surveyor.

Maps, plats, etc.

Constables.

SEC. 20. The constables of said city shall have the like duties, powers and authority in matters of civil and criminal nature, as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall perform the same duties and have like powers in all cases arising under ordinances of the city as in criminal cases, and be entitled to the same fees. They shall obey all lawful orders of the mayor, aldermen, and chief of police, and of any court of justice, or justice of the peace, exercising jurisdiction in causes for breaches of the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution or regulation of the council.

Powers and duties of.

To obey orders of mayor.

Assessor.

Powers and
duties of.

Office of.

To be member
of board of
review and
supervisors.

Board of
assessors.

Who to make
list of persons
to serve as
jurors.

SEC. 21. The assessor of said city shall have the same powers and authority and shall perform the same duties as are granted to and imposed upon the supervisors of townships in this State with reference to assessment of property and levying of taxes and not inconsistent with the provisions of this act. He shall have an office at the city hall. He shall be a member of the board of review and shall have a vote upon all questions arising before said board, and shall be a member of the board of supervisors for the county of Muskegon, and shall exercise the same privileges and perform the same duties as any other member of said board. He and the city surveyor and one of the aldermen of said city, to be designated by the council, shall constitute a board of assessors, and shall make all special assessments in said city, unless the council shall otherwise direct. The assessor and recorder of said city shall perform, within said city, such duties in the making of lists of persons to serve as petit jurors and grand jurors for each year as are now required by law of supervisors and clerks of townships, and supervisors and aldermen of wards of cities.

Supervisors.

Powers and
duties of.

SEC. 22. The supervisors of said city shall have the same powers and authority and shall perform the same duties as the supervisors of townships, except the assessing of property and the spreading of taxes. They shall be members of the board of supervisors of Muskegon county, and shall perform as supervisors such duties as by this act shall be required of them.

Directors of the Poor.

Powers and
duties of.

Custody of
property.

SEC. 23. The directors of the poor of said city shall discharge the duties of overseers of the poor therein, and shall have the custody of all paupers residing therein, except county paupers, and shall also have the disbursement of all moneys raised in said city for the support of paupers therein, except moneys raised for the support of county paupers, under such regulations as the council may provide. The directors of the poor shall have the custody of the almshouse and all other property belonging to or used by said city for the support of the paupers therein.

Justices of the Peace.

Jurisdiction
and authority
of.

SEC. 24. The justices of the peace of said city shall have and exercise therein the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties as are or may be conferred upon

or required of justices of the peace by the general laws of this State, except as herein otherwise provided. They shall have jurisdiction to hear, try and determine any civil action, within the limitations as to amount and nature of action fixed by the general laws of the State, where either of the parties to said action reside in the county of Muskegon.

SEC. 25. Any justice of the peace may be suspended or removed from his office by the circuit court for the county of Muskegon for neglect or refusal to pay over any fines, moneys, penalties or forfeits collected by him, or for any official misconduct, on charges specially preferred by the council, a copy of which charges shall be served upon said justice in such manner as the circuit court shall direct, and opportunity shall be given such justice to be heard in his defense. Removal of justices, etc.

Police Justice.

SEC. 26. The police justice shall be one of the justices of the peace of said city, whose term of office will not expire during the year for which he shall be appointed. Appointment of.

SEC. 27. He shall, except in case of absence or inability to act, have exclusive jurisdiction to hear, try and determine all prosecutions for the violation of the ordinances of said city and for the recovery of any fines, penalties or forfeitures thereunder. Jurisdiction of.

SEC. 28. In case of sickness, or absence from the city, or other inability to discharge the duties of his office, or during any vacancy in said office, any justice of the peace shall be competent to discharge the duties of said office. When any justice may discharge duties of.

SEC. 29. All fines, penalties or forfeitures, which may be recovered by the city in any justice or police court in prosecutions for the violation of city ordinances shall be paid by such justice or police justice into the city treasury on or before the expiration of the last day of the calendar month during which said fine, penalty or forfeiture was collected; and the said police justice, or acting police justice shall make monthly reports to the council of his doings in the premises. Disposition of fines and monthly reports.

Street Commissioner.

SEC. 30. The street commissioner shall have the personal supervision of the construction and repair of all grading, paving, improving, cleaning and care of streets, alleys and public grounds, the construction and repair of sidewalks, the cleaning and deepening of ditches, drains and gutters, and shall oversee and do whatever may be required of him, in relation thereto by the council. He shall make a report to the council in writing, and under oath, once in each month, giving an exact statement of all labor performed by him or under his supervision, and charges therefor, the amount of material used, the expense thereof, and the street or place where such Duties of.

Report of.

material was used or labor performed, and showing the items and purpose of all expenses incurred since his last preceding report, and no payment for labor or for services performed or for expenses incurred shall be made, until reported as aforesaid. The council shall fix and determine the compensation of said street commissioner.

Council to fix
compensation
of.

Chief Engineer of Fire Department.

To be subject
to direction of
council.

Duties of.

SEC. 31. The chief engineer of fire department shall be subject to the direction of the council, and shall have the supervision and direction of the fire department, the custody, care and management of the engines, apparatus and property of said department, subject to such rules and regulations as the council may, from time to time, prescribe. It shall be his duty to see that all engines, apparatus and property entrusted to his custody, care and management, are kept in good order and efficiency, and that the rules and regulations and ordinances relative to the fire department and to the prevention and extinguishment of fires are duly observed and executed, and to make to the council detailed and particular reports of the state of the department, the conduct of the members thereof, and such other matters as may be required by the rules and regulations relating thereto.

Harbormaster.

Powers and
duties of.

Who to fix
compensation
of.

Compensation
for service.

Of mayor.

Of recorder.

Of city
attorney.

SEC. 32. It shall be the duty of the harbormaster to enforce all such ordinances and regulations as the council may lawfully enact and prescribe in respect to and over the navigable waters, harbors, wharves, docks, landings and basins within said city, and in respect to the navigation, trade and commerce of said city, and the council shall prescribe the powers and duties of such harbormaster and fix his compensation.

SEC. 33. The officers of said corporation shall be entitled to receive out of the city treasury the following sums in full payment of their services: The mayor shall be entitled to receive an annual salary of one dollar. The recorder shall receive such sum as the council may allow, not exceeding one thousand dollars per annum, which sum shall be full compensation for all service performed by him as such recorder. The city accountant shall receive such sum as the council may allow, not exceeding six hundred dollars per annum, which sum shall be in full compensation for all services performed by him as such city accountant. The city attorney shall receive such sum as the council may allow, not exceeding seven hundred and fifty dollars per annum, and the sum so allowed shall be his compensation for all the services required of him as city attorney and required by his office for the term thereof: *Provided, however,* The council may, by a two-thirds vote of all the aldermen elect, employ such assistants for the

city attorney as by said vote of the council may be deemed from time to time necessary. The chief of police shall receive such compensation as the council may allow, not exceeding the sum of seventy-five dollars per month, which shall be in full for all services rendered by him. The assessor shall receive such compensation as the council may allow, not exceeding twelve hundred dollars per annum. The city treasurer shall receive such sum as the council may allow, not exceeding eighteen hundred dollars per annum, and the sum so allowed shall be his compensation for all the services required of him as city treasurer and required by his office. The police justice shall receive such compensation as the council may allow, not exceeding ten dollars per month, together with all office rent and heating and lighting thereof free, and the same shall be in full compensation for all services rendered by him as police justice, and he shall collect such fees as are by law provided for and allowed to justices of the peace in matters coming before him as such police justice, which fees shall belong to said city and shall be paid into its treasury as in this act provided. Justices of the peace and constables shall be allowed the same fees as are allowed to like officers of townships, unless in this act otherwise provided. The directors of the poor shall receive such sums as the council shall allow, not exceeding thirty dollars per month, or provided one only is appointed, he shall receive not exceeding forty dollars per month. The aldermen shall not be allowed to receive more than one dollar per year each as compensation for their services. The council shall determine the fees and salary of all officers elected or appointed, provided for in this act, whose fees or salary is not herein otherwise provided for. The superintendent of the water department shall receive such sum as the council shall allow, not exceeding seventy-five dollars per month, as compensation for his services as superintendent of said department. The chief engineer of the fire department shall receive such sum as the council shall allow, not exceeding seventy-five dollars per month, for his services as such chief engineer of said department. The salary of any officer of said city shall not be decreased during the term of office for which he was appointed or elected, nor shall the salary of any officer be increased during his term of office except by a two-thirds vote of all the aldermen elect, and then not to exceed the amounts in this charter named.

Of chief of police.

Of assessor.

Of treasurer.

Of police justice.

Disposition of fees.

Fees allowed certain officers.

Of directors of the poor.

Of aldermen.

Of other officers.

Of superintendent of water works.

Of engineer of fire department.

Not to be decreased.

How may be increased.

TITLE VII.

Powers and Duties of the Common Council.

SECTION 1. The mayor and aldermen of said city shall constitute the council. The mayor shall be president of the council.

Common council. President of.

cil, and preside at its meetings. He shall have the right to vote upon the confirmation of his own appointments, but shall have no other vote therein, except in case of a tie, when he shall have the casting vote.

President pro tem.

Powers and duties of.

In case of absence of president.

Clerk of council.

Duties of aldermen.

Who to be judge of election, etc. Meetings.

Meetings to be public.

Quorum.

Concurring vote.

Raising money.

When motion or resolution of council to take effect.

SEC. 2. At the first regular meeting in May in each year the council shall appoint one of its number president *pro tempore*, who, in the absence of the mayor, shall preside at the meetings thereof, and exercise the powers and duties of mayor. He shall have a vote upon all questions, but shall have no power to make nominations to fill any office, except as provided in section four of title six of this act. In the absence of the mayor and the president *pro tem.*, the council shall appoint one of its number to preside; and for the time being he shall exercise the powers and perform the duties of the president *pro tem.*

SEC. 3. The recorder shall be clerk of the council, but shall have no vote therein. In the absence of the recorder the council shall appoint one of its number to perform the duties of the office for the time being.

SEC. 4. Each alderman shall be entitled to a vote in all the proceedings of the council, and are required to attend all its meetings and to serve on committees.

SEC. 5. The council shall be judge of the election returns and qualifications of its own members. It shall hold regular stated meetings for the transaction of business at such times and places within the city as it shall prescribe. The mayor or any three members of the council may appoint special meetings thereof, notice of which in writing shall be given to each alderman, or be left at his place of residence at least two hours before the meeting.

SEC. 6. The sessions of the council shall be public, except when the public interest shall, in the opinion of the council, require secrecy. A majority of the aldermen elect shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by rule or ordinance. No vote, motion or resolution, except motions to adjourn or to refer to committees, shall pass, unless by a concurring vote of a majority of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated, salary or compensation fixed, except by ordinance or resolution of the council, nor shall any resolution authorizing the expenditure of money be passed or adopted except by a vote of a majority of all the aldermen elect. No vote, motion or resolution passed by the council shall have any force or effect if, within twenty-four hours after its passage, the mayor or other officer legally discharging the duties of mayor shall lodge in the office of the recorder his reasons in writing why the same should not go into effect, and the same

shall not go into effect, or have any legal operation, unless it shall, at a subsequent meeting of the council, be passed by a vote of two-thirds of all the aldermen elect, and if so repassed shall go into effect according to the terms thereof. The power of the mayor to veto any vote, motion or resolution, passed by said council, as in this section provided, shall not only apply to the vetoing of the entire of any such ordinance, vote, motion or resolution, but shall in like manner apply to any separable or distinct part thereof.

Mayor may veto vote.

SEC. 7. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes, except upon motions to adjourn and to refer any matter or petition to a committee, shall be taken by yeas and nays, and be so entered upon the journal as to show the names of those voting in the affirmative and those voting in the negative; and within one week after the meeting of the council a brief abstract of the proceedings taken thereat shall be published, in such of the newspapers of the city as the council shall direct.

Council shall prescribe rules of proceedings, manner of voting.

Proceedings.

SEC. 8. The council may compel the attendance of its members, and other officers of the city at its meetings, in such manner, and may enforce such fines for non-attendance as may be by ordinance or rule be prescribed; and may by ordinance or rule prescribe punishment for any misbehavior, contemptuous or disorderly conduct, by any member or person present at any session of the council.

May compel attendance of members.

SEC. 9. The city attorney, chief of police, chief engineer of fire department, superintendent of water department, and city surveyor shall have seats in the council, and may take part in all the proceedings relating to their respective departments, but without the right to vote.

Who may have seats in council.

SEC. 10. The council shall have control of the finances and of all the property, real and personal, of the city corporation, except as may be otherwise provided by law.

Council to have control of finances.

SEC. 11. Whenever by this act or by any other provision of law, any power or authority is vested in or duty imposed upon the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duties.

May enact ordinances.

SEC. 12. The council may provide by ordinance or resolution for the appointment of its standing committees, who shall perform such duties, investigate, have charge of and report upon such matters as may be referred to them. Such committee shall be appointed by the mayor.

Standing committees.

SEC. 13. No member of the council or alderman shall receive any compensation for his services either as councilman, alderman or otherwise, except as herein provided.

Limit of compensation.

SEC. 14. No member of the council, during the term for which he is elected, shall be appointed to or be competent to hold any office, the emoluments of which are paid out of the

Certain officers not hold office.

Not to be interested in purchases or sale or contract.	city treasury, or paid in compliance with any resolution or ordinance of the council; or be directly or indirectly interested in the sale to or purchase from the city of any property, or be directly or indirectly interested in any contract as principal, surety or otherwise, the expense or consideration whereof is paid under any ordinance or resolution of the council; and no other officer of said city shall be interested, directly or indirectly, in the purchase or sale of such property or in such contract. Any person who shall violate any of the provisions of this section shall, on conviction thereof, be punished by imprisonment in the State prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.
Penalty.	
Officers, how removed.	SEC. 15. The council may remove any officer, elected or appointed, by a concurring vote of two-thirds of all the aldermen elect. No removal of such officer shall be made, unless a charge in writing is preferred, and an opportunity given to make a defense thereto. The council shall make provision by rule or ordinance for preferring charges and trying the same.
Council may issue process to compel attendance of persons.	SEC. 16. To enable the council to investigate charges against any officer, or such other matters as it may deem proper to investigate, the mayor or any justice of the peace of the city is empowered, at the request of the council or a committee thereof having the matter in charge, to issue subpoenas or process by attachment, to compel the attendance of persons, and the production of books and papers before the council or any committee thereof.
Administering oaths.	SEC. 17. Whenever the council or any committee thereof is authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or chairman of such committee for the time being, shall have power to administer the necessary oaths, and such council or committee shall have the same power to compel witnesses to testify as is conferred on justices of the peace.
Defaulters ineligible to office.	SEC. 18. No person shall be elected or appointed to any office created by this act, who is now or may hereafter be a defaulter in any official position, and if any person holding any such office shall become a defaulter while in office, the said office shall thereby become vacant.
Accounts, auditing of.	SEC. 19. The council shall audit and allow all claims and accounts chargeable against the city, but no account or claim on contract shall be allowed, unless it shall be accompanied with an affidavit of the person rendering it, to the effect that he verily believes that the services or property therein charged for have been actually performed or delivered to the city, that the sums charged therefor are reasonable and just, that to the best of his knowledge and belief no set-off exists or payment has been made on account thereof, except such as are endorsed thereon or referred to in such account or claim. Every such
Affidavit.	

account shall exhibit in detail all the items making up the amount claimed and the true date of each.

SEC. 20. No claim against said city for damages growing out of the negligence or default of said city, or of any officer or employé thereof, shall be audited or allowed, unless it shall be accompanied with an affidavit of the person sustaining such damages, stating the time and place at which, and the cause and manner of sustaining such damage, and the facts connected therewith, and the witnesses, if any, present when such damage or injury was received or sustained; and in all claims for damages in consequence of any personal injury, such affidavit shall also state the name of the attending physician, if any, the amount of money, if any, expended for medical attendance, the loss of time and the value thereof, and shall fully describe the nature and extent of the injury received, and the amount of compensation claimed by reason of such damage or injury.

Claims against city to be accompanied by affidavit.

SEC. 21. All claims for damages against the city, growing out of the negligence or default of said city or of any officer or employé thereof, shall be presented to the council in the manner above provided within six months after such damage has been sustained or injury received, and in default thereof shall thereafter be forever barred.

Limit of time for presenting.

SEC. 22. In any action in any court on any claim whatsoever, the claimant shall be required to show that such claim has been duly presented in the manner hereinbefore provided to the council of said city for audit, investigation and allowance, and that said council has had reasonable time to investigate and pass upon it before the bringing of such action.

What claimant required to show.

SEC. 23. Between the twentieth day of April and the first day of May of the year eighteen hundred and ninety-seven, and annually thereafter, and whenever a vacancy shall occur, the mayor shall nominate a suitable person to fill each of the following offices: City attorney, chief of police, police justice, city accountant, street commissioner, superintendent of water department, chief engineer of fire department, city physician, city surveyor, harbor master, director or directors of the poor, pound master, inspector of fire wood, and sealer of weights and measures, and such other officers as may be necessary to carry into effect the powers herein granted and as the council may from time to time direct. The same person may be nominated to fill the offices of chief of police and street commissioner, and the same person may be nominated to fill the offices of superintendent of water department and chief engineer of fire department. The council, a quorum being present, shall thereupon proceed to act upon such nominations, and a vote shall then be taken on each of said nominations and the persons receiving the votes of a majority of the council elect shall be declared duly confirmed; those not receiving such votes shall be declared rejected. The mayor may renominate those rejected or may submit the names of other persons, whereupon

Mayor to nominate officer, when.

Proceeding of council relative to nominations.

In case of rejection.

Mayor may suspend officers.	the same proceedings shall be had as aforesaid, until such offices are filled. The mayor may suspend any of the officers named in this section for good cause on filing a statement of his reasons for so doing in the office of the recorder, provided that the council at its next meeting shall approve of such suspension in the manner in this act provided.
Additional powers and duties of council.	SEC. 24. In addition to the other powers and duties herein conferred upon it, the council shall have power to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as it may deem advisable within said city for the following purposes:
Relative to vice and immorality.	<i>First</i> , To restrain and prevent vice and immorality, gambling, noise and disturbances, indecent or disorderly conduct or assemblages, and to punish for the same; to preserve peace and good order, prevent and quell riots, to protect the property of the corporation and of its inhabitants, and of any association, public or private corporation, or congregations therein, and to punish for injuries thereto, or for unlawful interference therewith;
Vagrants.	<i>Second</i> , To apprehend and punish vagrants, drunkards, truant, disorderly persons and common prostitutes;
Disorderly houses.	<i>Third</i> , To restrain, prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses, and all places where persons resort for gaming, or to play games of chance and to punish the keepers, inmates and frequenters thereof;
Gaming.	<i>Fourth</i> , To license, regulate and restrain billiard rooms, bowling alleys or tables, and ball alleys; to prohibit and suppress every species of gaming and to authorize the seizure and destruction of all instruments, devices and material used for the purpose of gaming;
Porter houses.	<i>Fifth</i> , To regulate, license and restrain ale, beer and porter houses and all places of resort, and to require all such places to be closed on Sunday and upon such other days and during such hours as the council may prescribe; to prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors to any habitual drunkard or intemperate person, minor, employé or apprentice, and to punish any person for so doing;
Spirituous liquors.	<i>Sixth</i> , To license, regulate, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all exhibitions of whatever name and nature for which money or other reward is in any manner demanded or received;
Sports and exhibitions.	<i>Seventh</i> , To license and regulate auctions and sales at auctions, to regulate the sale of live or domestic animals at auction upon the streets or alleys, or upon any public grounds of the city; to license and regulate the sale of goods, wares, property or anything at auction, or any manner of public bidding, or offerings by buyers or sellers after the manner of auction sales; to regulate the fees to be paid by and to auctioneers;
Auctions.	

and to license transient traders and dealers; but no such license shall be required in case of sale required by law to be made at auction or public vendue;

Eighth, To license hucksters, peddlers, junk dealers and dealers in second hand goods, and pawnbrokers, in the business of hawking and peddling, and to regulate and license the sale of peddling (directly or by canvassing for subscription), of goods, wares, merchandise, refreshments or any kind of property or thing, by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device in the streets, highways or in and upon the wharves, places or spaces, stores, offices and business blocks and places, public grounds or buildings in said city: *Provided*, That the provisions of this subdivision shall not apply to farmers selling produce raised on their own farms; Hucksters, etc.

Ninth, To regulate, abate and remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog pen, sewer, or other offensive or unwholesome structure, house or place, to cleanse, remove or abate the same from time to time as often as it may deem necessary for the health, comfort and convenience of said city; Nuisances.

Tenth, To direct the location of slaughter houses, markets and buildings for the (storing) storage of gunpowder and other combustible and explosive substances; Slaughter houses, storing gunpowder.

Eleventh, To regulate, restrain and prohibit the buying, carrying and selling gunpowder, fire crackers or fireworks manufactured and prepared therefrom, or other combustible materials, the exhibition of fireworks and the discharge of firearms, and lights in barns, stables and other buildings, and to restrain the making of bonfires in streets, yards and public grounds; Combustible materials.

Twelfth, To prevent the encumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges, aqueducts, wharves or slips in any manner whatever, and to regulate and provide for the anchorage, movement, shifting and removal of all water craft being and lying in the Muskegon lake and river, or in front of or in any dock, wharf or slip in said city; to determine and designate the route and grades of any railroads to be built in said city and to regulate the use of locomotives, engines, and cars upon the railroads within said city; Encumbering of streets.
Water craft.
Railroads.

Thirteenth, To prohibit or regulate bathing in any public waters or in any open or conspicuous place, and any indecent exposure of the person in the city; Bathing.

Fourteenth, To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such license and to authorize the killing of dogs not so licensed, and to regulate and prevent the running at large of dogs; Dogs.

Fifteenth, To prohibit any person from bringing or depositing within the limits of said city any dead carcass or other unwholesome or offensive substance, and to require the Dead carcasses.

removal and destruction thereof, if any person shall have on his premises such substance, or any putrid meats, hides and skins of any kind, and on his default to authorize the removal and destruction thereof as a public nuisance, by some officers of the city;

- Sidewalks.** *Sixteenth,* To compel all persons to build sidewalks in front of premises owned or occupied by them, and to require such persons to keep the same in repair and clear from snow, ice, dirt, wood or obstructions;
- Ringing of bells.** *Seventeenth,* To regulate the ringing of bells, the blowing of whistles, and the crying of goods and other commodities at sale at auction, and to prevent disturbing noises in the streets;
- Fire limits.** *Eighteenth,* To prohibit, restrain, or regulate within such parts of the city as it may deem expedient, the building, rebuilding, enlarging, repairing or replacing or placing of wooden buildings therein, or the removal of any buildings upon and along the streets of said city; to prohibit, restrain or regulate the erection of any building of a combustible nature that is being erected, or intended to be erected in such manner or in such a locality as to endanger the safety of said city; to regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and prevent the erection of such buildings nearer the street, lane or alley than such line, and to impose a fine upon any owner, mover or builder not exceeding five hundred dollars for the violation of such regulation;
- Horse racing.** *Nineteenth,* To prevent and punish horse racing and immoderate driving in any street, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street; to require any horse or mule attached to any vehicle, or standing in any of the streets, lanes or alleys of said city to be securely fastened, watched or held;
- Markets.** *Twentieth,* To establish, order and regulate the markets; to regulate the vending of hay, wood, meats, vegetables, fruit, fish and provisions of all kinds, and prescribe the time and place for selling the same, and the fees to be paid by butchers for license; to prohibit the sale of unwholesome meat, poultry, fish, vegetables, or other articles of food or provisions, impure, spurious or adulterated wines, spirituous liquors or beer, or knowingly keeping and offering same for sale: *Provided,* Nothing herein contained shall authorize the council to restrict in any way the sale of fresh and wholesome meats by the quarter or carcass within the limits of the city;
- Wharf boats.** *Twenty-first,* To license and regulate wharf boats, and to regulate the use of tugs and other boats used in and about the harbor and within the jurisdiction of the city;
- Ferries.** *Twenty-second,* To establish or authorize, license and regulate ferries to and from the city, or any place therein, or from one part of the city to another, and to regulate and prescribe from time to time the charges and prices for transportation of persons and property thereon;

Twenty-third, To regulate and license all taverns and houses of public entertainment, and all saloons, restaurants and eating houses; Hotels, saloons.

Twenty-fourth, To license and regulate all vehicles of every kind used in the transportation of any persons or property for hire in the city; Vehicles.

Twenty-fifth, To provide for and regulate inspection of meats, poultry, fish, butter, cheese, milk, lard, vegetables, flour and provisions; Inspection of meat.

Twenty-sixth, To regulate the inspection or weighing and measuring of brick, lumber, firewood, coal, hay, and any article of merchandise; Inspection of weights and measures.

Twenty-seventh, To provide for the inspection and sealing of weights and measures, and enforce the keeping and use of proper weights and measures by venders; Sealing weights and measures.

Twenty-eighth, To prescribe rules to govern sextons and undertakers for burying the dead, hacks and their drivers, omnibuses and their drivers, scavengers, porters, chimney sweeps and their fees and compensation; Sextons. Hacks.

Twenty-ninth, To make regulations for licensing and regulating carts, drays, cabs, hacks and all carriages or vehicles kept for use or hire, auctioneers, peddlers, pawnbrokers, auctions, peddling, taverns, hotels, victualling houses, saloons, or other places or houses for furnishing meals, food or drink, and keepers of billiard tables and ball alleys not used for gaming; Licensing carts.

Thirtieth, To license and regulate soliciting for passengers or for baggage for any hotel, tavern, public house, boat or railroad; also draymen, cartmen, truckmen, porters, runners, or otherwise, or cab, hacks, omnibuses, carriages, sleighs, express vehicle, or every other vehicle used or employed for hire and to fix the amounts and rates of their compensation; Solicitors for passengers.

Thirty-first, To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants of buildings to affix numbers on the same; Numbering building.

Thirty-second, To make regulations for the lighting of the streets and alleys and the protection and safety of public and street lamps and lights; Lighting street.

Thirty-third, To regulate the placing and using of all telegraph, telephone, electric light poles and wire; Telegraph poles.

Thirty-fourth, To preserve the salubrity of the waters of Muskegon lake and river and other waters within the city; to prohibit the depositing therein of all filthy and other matter tending to render said water impure, unwholesome or offensive; to preserve and regulate the navigation of said waters within the limits of said city; to prohibit the depositing or Navigation.

keeping therein any structure, earth or substance tending to impair the navigation thereof, and to remove all obstructions that may at any time be found therein, and to direct and regulate the stationing, enclosing and mooring of vessel and laying out of cargoes and ballast from the same; to fill up all low grounds, lots covered or partially covered with water, or to Filling low ground.

- Cutting ice.** drain the same as may be deemed expedient; and to regulate the cutting of ice in Muskegon lake; and to prohibit and prevent by sufficient penalty, the cutting and vending of impure ice from said waters or elsewhere within said city;
- Parks and squares.** *Thirty-fifth,* To provide for public parks and squares, make, grade, improve and adorn the same, and all grounds in said city belonging to or under the control of said city, and to control and regulate the same consistently with the purposes and objects thereof;
- Census.** *Thirty-sixth,* To provide for taking the census of the inhabitants of said city as it may see fit, and to direct and regulate the taking of the same;
- Street grades, etc.** *Thirty-seventh,* To establish a grade for streets and sidewalks, and cause the same to be constructed in accordance therewith;
- Duties of certain officers.** *Thirty-eighth,* To prescribe the duties of all officers appointed by the council, not otherwise herein provided for, and their compensation, and the penalty for failing to perform such duties;
- Bonds.** *Thirty-ninth,* To prescribe all bonds and sureties to be given by the officers of the city for the discharge of their duties, the time for executing the same, in cases not otherwise provided for by law;
- Fees.** *Fortieth,* To authorize and regulate the demand and receipt by officials of such fees and costs and in such cases as the council may deem reasonable;
- Idem.** *Forty-first,* To fix and regulate the fees of jurors and witnesses in any proceeding under this act or under any ordinance of the council;
- Disposition of filth.** *Forty-second,* To sell or otherwise provide for disposing of all dirt, filth, manure and debris, lying in or gathered from the highways, streets, avenues, lanes, alleys or public spaces, and all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving or otherwise improving the same;
- Awnings and signs.** *Forty-third,* To control, prescribe and regulate the mode of constructing and suspending awnings and the exhibition and suspension of signs;
- Use of streets, etc.** *Forty-fourth,* To control, prescribe and regulate the manner in which the highways, streets, avenues, lanes, alleys, public grounds and spaces within said city shall be used, and to provide for the preservation of and prevention of wilful injury thereto;
- Trees.** *Forty-fifth,* To direct and regulate the planting and provide for the preservation of trees in said city;
- Signs and vehicles.** *Forty-sixth,* To prevent the exhibition of signs on canvass or otherwise in and upon any vehicle, standing or traveling upon the streets of said city;
- Dangerous amusements.** *Forty-seventh,* To prohibit all practices, amusements and doings in said streets, having a tendency to frighten teams or horses, or dangerous to life or property; to remove or cause to

be removed all walls and structures that may be liable to fall so as to injure life or property;

Forty-eighth, To prescribe and regulate the places or stands in the streets of said city within which any vehicles may be kept for hire; Stands for vehicles.

Forty-ninth, To prohibit and punish the use of toy pistols, air guns, sling shots and other dangerous toys, implements or weapons within said city; Toy pistols.

Fiftieth, To provide for the protection and care of paupers and to prohibit and prevent all persons from bringing to the city from any other place any pauper or paupers, or any person likely to be a charge upon said city and to punish therefor; and to authorize the removal from the city of all paupers not a legal charge upon said city; Paupers.

Fifty-first, To establish, organize and maintain an almshouse department, to purchase necessary grounds, erect necessary buildings either within or without the city limits, and to appoint the necessary officers therefor, and to provide for the government thereof; Almshouses.

Fifty-second, To establish and build a jail, workhouse and houses of correction, for the confinement of offenders, and to erect the necessary buildings therefor, and control and regulate the same; appoint all necessary officers for taking charge of the same and of the persons confined therein; to prescribe their powers and duties and provide for their removal from office and the filling of vacancies; to provide for the imprisonment and confinement in said jails, workhouses and houses of correction, or in the common jail of the county of Muskegon, or in any appropriate State institution of all persons liable to be imprisoned under this act or any ordinance of said council, whenever convicted of a violation thereof; to compel any person confined in any such jail, workhouse or house of correction, or in the common jail of the county of Muskegon to work upon the streets and alleys of said city, or in and upon the buildings and premises belonging to said city during the time the detention of such person is authorized; Jail.
Officers therefor.
Labor of prisoners.

Fifty-third, To regulate the burying of the dead, and to compel the keeping and return of bills of mortality; also returns of births and marriages; Burial of the dead.
Returns of births and marriages.

Fifty-fourth, To preserve order in the streets and other public places in said city, at the arrival and departure of railroad cars or trains, and to prescribe, regulate and maintain places in which drivers, porters, runners, solicitors, agents and baggage collectors for the hotels or public houses or express companies, draymen, cabmen, cartmen, omnibus drivers and solicitors for passengers or baggage, with drays, carts, cabs, carriages, sleighs or other vehicles, shall stand and to prohibit or prevent them from entering and driving within any railroad depot or station grounds to solicit passengers or baggage; To preserve order in public places.

To establish boundaries.

Fifty-fifth, To survey and establish the boundaries of the city and of all highways, streets, avenues, lanes, alleys, public parks, squares and spaces in said city; to prohibit all encumbrance and encroachments upon the same by buildings, fences and of partition and parapet walls and walls of buildings, fences, or in any other manner, and to provide for the removal of the same;

To regulate construction of buildings.

Fifty-sixth, To regulate the construction of partition fences and of partition and parapet walls and walls of buildings, and thickness of walls; to regulate the construction of chimneys, hearths, fire places, fire arches, ovens, and the putting up of stoves, stove pipes, kettles, boilers, or any structure or apparatus that may be dangerous in promoting or causing fires; to compel and regulate the cleaning of chimneys and chimney flues, and to fix the fees therefor; to compel and regulate the construction of ash houses and deposits of ashes; to compel the owners of houses and other buildings to have scuttles on their roofs, and stairs and ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition; and to authorize any of the officers of the city to keep all idle or suspicious persons away from the vicinity of fires, and to compel officers of the city and other persons to aid in the extinguishment of fires, and the preservation of property exposed to danger therefrom;

Ash houses.

Precautions against fires.

Wharves and docks.

Fifty-seventh, To erect and repair and regulate public wharves and docks at the end of streets and on the property of the corporation; to regulate the erection and repair of private wharves and docks so that they shall not extend into Lake Muskegon, or river, beyond certain lines to be established by the council;

To prevent sale or exhibition of obscene pictures.

Fifty-eighth, To prevent and prohibit in the streets or elsewhere in said city the show, sale, crying or exhibition of indecent or obscene pictures, drawings, engravings, paintings and indecent, immoral and scandalous books, pamphlets, newspapers and literature; and further, the council shall have authority to enact all ordinances and make all such regulations consistent with the law and constitution of the State as they may deem necessary for the safety, good order, good morals and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or to any corporation for any purpose whatever;

Bill boards.

Fifty-ninth, To regulate and license the erection of bill boards and the posting of bills thereon.

Location of offensive business, trades dangerous to public health.

SEC. 25. The council, when it shall deem it necessary, may from time to time assign by ordinance certain places within the city for the exercise of any trade, business or employment, offensive to the inhabitants or prejudicial to good morals or the well being of society, or dangerous to the public health;

and may forbid the exercise thereof in places not so assigned, and may change or revoke such assignment at pleasure, and whenever a business carried on in any place so assigned, or any other place in the city, shall become hurtful and dangerous to the health or prejudicial to the peace and good order, or otherwise objectionable to the inhabitants of the city in that neighborhood, the council may prohibit the further exercise of such business or employment at such place.

SEC. 26. The council may prescribe the terms and conditions upon which licenses may be granted and may exact and require payment of such sum for any license as they may deem proper; the person receiving the license shall, before the issuing thereof, execute such bond to the corporation in such sum as the council shall prescribe with one or more sufficient sureties, conditioned for the faithful observance of the charter of the corporation, the ordinances of the council, and otherwise conditioned as the council may prescribe. Every license shall be revokable by the council at pleasure, and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or otherwise ordered by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

Licenses.

Bond.

Licenses may be revoked.

Penalties.

SEC. 27. No license shall be granted for any term beyond the first Monday in May next thereafter, nor shall any license be transferable, and the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation, trade or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

Terms of license.

SEC. 28. All moneys received for or on account of any license granted for any person shall be paid into the city treasury to the credit of the contingent fund.

Moneys for license, how credited.

SEC. 29. The city of Muskegon shall have power to take, accept and hold any real estate or personal estate, whether by gift, bequest or devise, for any purpose connected with the parks, cemeteries or public grounds of said city, or for any public institution or charity, and when accepted, it shall be the duty of the council of said city to use and appropriate the same for the purposes and uses mentioned in the instrument, giving, granting or devising the same, and for no other purpose.

Power to hold real and personal estate.

SEC. 30. The council may prescribe by ordinance from time to time, limits or districts within the city, within which wooden buildings and structures shall not be erected, placed or enlarged, and to direct the manner of constructing buildings within such districts, with respect to protection against fire, and the materials of which the outer walls and roof shall be constructed.

Construction of wooden buildings.

To prescribe
location of
shops, lumber
yards.

Regulate stor-
ing of com-
bustibles.

Public health.

Remove or
abate
nuisances.

Disposition of
fines.

Who may ad-
minister oath.

Redistricting
the city.

Proviso.

Jurisdiction of
city over waters
of Lake Mich-
igan.

SEC. 31. The council may also prohibit, within such places or districts as they may deem expedient, the location of shops, the prosecution of any trade or business, the keeping of lumber yards and the storing of lumber, wood or other easily inflammable material in open places, where in the opinion of the council the danger from fire is thereby increased; they may regulate the storing of gunpowder, oil and other combustible and explosive materials, and the use of lights in buildings, and generally may pass and enforce such ordinances and regulations as it may deem necessary for the prevention and suppression of fires.

SEC. 32. The council shall enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants of said city, and to prevent the introduction of or spread of malignant, infectious or contagious diseases and for the removal or seclusion of persons having such diseases, or who may be suspected to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the board of health may prescribe.

SEC. 33. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health; it may require any person, corporation or company, causing any such nuisance, or the owner or occupant of any lot or premises upon which any such nuisance may be found, to remove or abate the same upon such notice, and within such time and in such manner as it may by ordinance or resolution direct.

SEC. 34. All moneys received by said city for fines, penalties and forfeitures shall be paid into the city treasury to the credit of the contingent fund.

SEC. 35. The presiding officer of the council, and the chairman of any committee or special committee thereof shall have the power to administer any oath or take any affidavit in respect to any matter pending before the council or such committee.

SEC. 36. Whenever the council shall deem it expedient, it may by ordinance, enacted by a concurring vote, of not less than two-thirds of the aldermen elect, redistrict said city into wards, and change the boundaries of any ward; but in no case increase or decrease or change the number of wards in said city: *Provided*, That no such change or redistricting shall be made within ninety days next preceding any election which may be held under the provisions of this act.

SEC. 37. For all purposes of police, quarantine and health regulation and control, the said city shall have jurisdiction over the waters of Lake Michigan to the distance of one mile from boundary of said city, and for that purpose all ordinances enacted by the council shall extend over said waters with the same force and effect as within the territory incorporated by this act; and all process and notices of every kind and descrip-

tion in this act, or in such ordinances provided for, may be served on said waters in like manner as within said city.

SEC. 38. The council shall have power to prohibit and prevent obstructions and incumbrances in, and encroachments upon the public streets and alleys of said city, and to remove the same and to punish those who shall obstruct, encumber and encroach, or maintain any encroachments upon or in any such streets or alleys, and to require all such persons to remove such obstructions, incumbrances or encroachments.

To prohibit obstructions in streets and alleys.

SEC. 39. The council may regulate the making of all openings in and removals of the soil of public streets, alleys and public grounds, for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes or other pipes, or for any other purpose, and may prohibit or prevent all such openings or removals of the soil, except by the express permission of the council, and at such times and upon such terms, conditions and regulations as it may prescribe.

Powers relative to openings in street for laying repairs for drains and sewers.

SEC. 40. The council may regulate the use of the public streets, avenues, alleys and public grounds of said city, subject to the right of travel and passage thereon; to designate the places where wood, coal, hay or other articles may stand for sale; to regulate traffic and sales in the streets and upon the sidewalks; to regulate and prohibit all such sports, amusements, proceedings and gathering of crowds in the streets, alleys or public places, as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese and other domestic animals or fowls in the streets or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same, to cleanse and purify the streets and alleys and to prohibit, prevent, remove or abate all nuisances therein, and to require the authors and maintainers thereof to remove the same, and to punish them and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure the good order and safety of persons and property in the lawful use thereof, and to promote the general welfare. And in addition to all the powers herein granted, the council shall have the same authority and powers over and in respect to the public streets, alleys, parks and places as are conferred by law upon highway commissioners in townships.

To regulate use of streets and alleys.

Regulate traffic and sales upon sidewalks.

Animals running at large.

To enforce police regulations.

Authority and power of council.

SEC. 41. The council shall have the power to regulate and prohibit the use, display, the placing of signs, advertisements, banners, awnings, awning posts, telegraph, telephone and electric light poles and other things upon, in, over, above or across streets, sidewalks, crosswalks, alleys and public grounds of said city, and to regulate and prohibit the construction and use of openings in the sidewalks, and of all vaults, structures, and excavations under the same, and to prohibit

Signs, awnings, posts and poles.

and prevent obstructions, incumbrances or other things or nuisances upon the sidewalks of said city.

TITLE VIII.

ORDINANCES AND THEIR ENFORCEMENT.

Style of ordinances.
Majority vote.

When to take effect.

Relative to passage of ordinance.

To be filed and recorded.

Publication of ordinances.

Proof of publication.

SECTION 1. The style of all ordinances shall be, "The council of the city of Muskegon ordain," etc. All ordinances shall require for their passage the concurrence of a majority of all the aldermen elect; the time when any ordinance shall take effect shall be prescribed therein; such time, when by the terms of the ordinance a penalty is imposed, shall be not less than ten days after its first publication; all process for the enforcement of any ordinance of said city shall be "In the name of the people of the State of Michigan."

SEC. 2. Every ordinance shall be written or printed in a plain and legible manner, before the same shall be passed by the council, but no ordinance shall be adopted by the council at the same meeting at which it is proposed, except by unanimous consent of all the aldermen then in office, and after any ordinance is adopted by the council it shall be approved and signed by the mayor, and in his absence from the city by the president *pro tem*. Such ordinance shall become operative without the approval of the mayor, unless he shall, within ten days after its passage, lodge in the office of the recorder his reasons in writing why the same should not go into effect; in which case, it shall not become operative until it shall again be submitted to the council and receive the affirmative vote of two-thirds of all the aldermen elect.

SEC. 3. All ordinances, when approved by the mayor, or when the said ordinances have become operative without the approval of the mayor, shall be immediately filed in the office of the recorder, who shall record the same in a separate book to be kept for that purpose, to be known as the "Book of ordinances of the city of Muskegon." It shall not be necessary to enter any ordinance at length in the minutes or journal of the council, but reference may be had thereto by its title, in regard to all action upon the passage thereof.

SEC. 4. Within ten days after the passage of any ordinance, the same shall be published in some newspaper printed and circulated within the city, and such publication shall be continued in such paper for two successive weeks. Proof of the requisite publication of any ordinance, resolution or other proceeding of the council may be made by the affidavit of a printer or publisher of any paper in which the same has been published, and such affidavit, when duly filed with the recorder, shall in all cases, courts and proceedings, be *prima facie* evidence of the legal publication of such ordinance, resolution or other proceeding. All copies of the ordinances of

the council purporting to have been printed and published by its authority, shall in all courts and proceedings be received as *prima facie* evidence thereof, and of their legal enactment and publication. Prima facie evidence.

SEC. 5. In all courts having authority to hear, try and determine any matter or cause arising under the ordinances of said city, and in all proceedings relating thereto, judicial notice shall be taken of the enactment, existence, provisions and continuing force of such ordinances. Judicial notice of enactment.

SEC. 6. When by the provisions of this act, the council has authority to pass ordinances for any purpose, it may prescribe fines, penalties and forfeitures not exceeding five hundred dollars, or imprisonment not exceeding three months, or both, in the discretion of the court, together with the costs of prosecution for each violation of any such ordinance, and may provide that the offender on failing to pay any such fine, penalty or forfeiture, and the costs of prosecution may be imprisoned in the county jail of Muskegon county, in the jail, workhouse or house of correction of said city or the Detroit House of Correction for a term not exceeding ninety days. Limit of penalty for violation of ordinance.

SEC. 7. The costs of prosecution that may be imposed, under the provisions of the preceding section, shall be the same as those fixed by law in justice courts, in criminal cases. Costs of prosecution.

SEC. 8. Whenever a pecuniary penalty or forfeiture shall be incurred for violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction thereof, such penalty or forfeiture may be recovered in an action of debt or assumpsit. Whenever a corporation shall incur a penalty or forfeiture for a violation of any ordinance the same may be sued for in one of the actions aforesaid. Recovery of penalties and forfeitures.

SEC. 9. Any action for the recovery of a penalty or forfeiture for the violation of any ordinance shall be brought in the name of the city of Muskegon, and may be commenced by summons. The form, time of return, and service thereof, the pleadings and all proceedings in the cause, shall, except as otherwise provided herein, conform to and be the same, as near as may be, as in like actions for the recovery of penalties for violations of the laws of the State. Upon rendition of judgment against the defendant, execution shall issue forthwith, and, except when against a corporation, shall require that, if sufficient goods and chattels cannot be found to satisfy the same, the defendant be committed to the county jail of Muskegon county, the jail, workhouse or house of correction of said city, for a period not exceeding ninety days, unless execution be sooner paid, or he be discharged by due course of law. Idem.

SEC. 10. Prosecution for violation of the ordinances of said city may also in all cases, except against corporations, be commenced by a warrant for the arrest of the offender; such warrant shall be in the name of the people of the State of Michigan, and shall set forth the offense complained of, and be substantially of the form and be issued upon complaint made as Prosecutions, how may be commenced.

- provided by law in criminal cases cognizable by justices of the peace; and the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause and in procuring the attendance and testimony of witnesses, and the rendition of judgment and execution thereof, and the enforcement of the same shall, except as otherwise provided by this act, be governed by and conform, as nearly as may be, to the provisions of law regulating the proceedings in criminal cases cognizable by justices of the peace.
- Proceedings.** SEC. 11. If the accused shall be convicted, the court shall render judgment thereon and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order.
- Judgment and costs.** SEC. 12. The city of Muskegon shall be allowed the use of the county jail of Muskegon county for the confinement of persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act, and the sheriff or other keeper of such jail shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.
- Use of county jail.** SEC. 13. It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance, or any provision thereof, in any complaint, warrant, process or pleading therein; but the same shall be sufficiently set forth or stated by reciting its title and the date of its passage or approval, and it shall be a sufficient statement of the offense or cause of action in any such complaint or warrant, to set forth substantially with reasonable certainty, the time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of said city, referring thereto by its title and the date of its passage or approval.
- Setting forth ordinance in complaint.** SEC. 14. In all prosecutions, and in all suits to which the city shall be a party, brought to recover any penalty or forfeiture for violation or breach of any ordinance, and in any suit commenced by summons, warrant or other process, to which the city shall be a party, brought in justice court, the like proceedings shall be had thereon, except as herein otherwise provided, and the judgment rendered therein may be appealed from in like manner as in similar cases tried before justices of the peace, except that the city of Muskegon shall not be required to give any bond.
- Sufficient statement.** SEC. 15. All moneys collected for fines, penalties or forfeitures or judgments, shall be paid into the city treasury to be disposed of as the council shall direct. Justices of the peace receiving any such fines and neglecting or refusing to pay over the same within thirty days thereafter, shall be deemed guilty of a misdemeanor and shall be punished accordingly.
- Prosecutions and in all suits may be appealed from.**
- Not to give bond.**
- Disposition of moneys collected from fines.**

SEC. 16. All process issued by any justice of the peace to enforce any of the ordinances of the said city shall be directed to the chief of police of the city of Muskegon, or any constable of the county of Muskegon, and such process may be executed by any of said officers anywhere within the State, and shall be returnable the same as other similar process issued by justices of the peace.

Who to
serve process
to enforce
ordinances.

TITLE IX.

FINANCE AND TAXATION.

SECTION 1. The fiscal year of the city of Muskegon shall commence on the first day of July in each year.

Fiscal year.

SEC. 2. The council shall have authority within the limitations herein prescribed to raise annually by taxation within the corporation such sums of money as may be deemed necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers in this act granted.

Authority of
council to raise
money.

SEC. 3. The revenues raised by general tax upon all the property in the city, or by loan to be repaid by such tax, shall be divided into the following general funds:

Funds.

First, Contingent fund, to defray the contingent and other expenses of the city, for the payment of which from some other fund no provision is made;

Contingent.

Second, Fire department fund, to defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;

Fire depart-
ment.

Third, General highway fund, to defray the expenses of opening, widening, extending, altering and vacating streets, alleys and public grounds, and for grading, paving, curbing, graveling, and otherwise improving, repairing and cleaning the streets, alleys and public grounds of the city, and for the construction and repair of sidewalks and crosswalks and for the care thereof;

General
highway.

Fourth, General sewer fund, to defray the expenses of sewers, drains, ditches, and drainage, and the improvement of water courses;

General sewer.

Fifth, Bridge fund for the construction and maintenance of bridges;

Bridge.

Sixth, Water fund, for the construction, extension and maintenance of the waterworks, and for the maintenance of the water department and providing supplies of water;

Water.

Seventh, Public building fund, for providing for public buildings, and for the purchase of land therefor, and for the erection, preservation and repair of any such buildings, city hall offices, prisons, watch houses and hospitals, as the council is authorized to erect and maintain, and not herein otherwise provided for;

Public
building.

- Police.** *Eighth*, Police fund, for the maintenance of the police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city;
- Cemetery.** *Ninth*, Cemetery fund;
- Interest and sinking fund.** *Tenth*, Interest and sinking fund, for the payment of the public debt of the city and the interest thereon;
- Other general funds.** *Eleventh*, Such other general funds as the council may from time to time constitute.
- Special funds.** SEC. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds:
- Street district fund.** *First*, A street district fund, for each street district, for defraying the expenses of grading, improving, repairing and working upon the streets therein and for the payment of all street expenses, and for the building and repair of sidewalks and crosswalks, which the council shall charge upon the street district, except as in this act otherwise provided;
- Sewer district fund.** *Second*, A district sewer fund, for each main sewer district, for the payment of the cost and expenses of sewers and drainage in and chargeable to the main sewer district, when the city shall be divided into such districts;
- Special assessment funds.** *Third*, Special assessment funds, any money raised by special assessment levied in any special assessment district or special sewer district, to defray the expenses of any work, paving, improvement, or repair or drainage therein.
- Limit of general tax.** SEC. 5. The aggregate amount which the council may raise by general taxation upon the taxable real and personal property in the city of Muskegon, for the purpose of defraying the general expenses and liabilities of the corporation (except for the payment of the public debt of the city and the interest thereon) and for all purposes for which the several general funds mentioned in Section III of this title, (exclusive of the taxes for the interest and sinking fund and for school, library and school-house purposes) shall not, except as herein otherwise provided, exceed in any year one and one-eighth per cent on the assessed value of all the real and personal property in the city made taxable by law as shown by the assessment roll of the preceding year.
- Limit of other special taxes.** SEC. 6. In addition to the above amounts, the council may raise by special assessment in sewer districts and special assessment districts for the purpose of grading and paving, curbing, graveling and otherwise improving the streets, and for constructing sewers and drains, and making other local improvements chargeable upon the lands and property in the district, and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as it shall deem necessary but not exceeding in any one year twenty per cent on the assessed value of the property in the sewer district or special assessment district, as the case may be, as shown by the assessment roll of the preceding year.

SEC. 7. It shall be the duty of the council to cause estimates to be made in the month of June of each year, of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built, and for the paving of streets, the construction of sewers, making improvements and for the support of the police and fire departments, and for defraying the current expenses of the year, and the amounts that will be required to be expended from street district funds during said next fiscal year in working upon, improving and repairing the streets in the several street districts of the city, and for every other purpose for which money will be required to be paid from any of the several general funds during such fiscal year.

Council to
cause estimates
to be made.

SEC. 8. The council shall also, in the same month, determine upon the amount required to be raised in the next general tax levy to meet any deficiencies for the current year, also the amount or part of any special assessments which it may require to be levied or reassessed in the next general assessment roll of the city upon lands in any main sewer, or special assessment district, or upon any parcel of land, or against any particular person as a special assessment.

Council to
determine
amount to
be raised.

SEC. 9. The council shall also, in said month of June, pass a resolution to be termed the annual appropriation bill, in which it shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year, payable from the several general funds and from the street district funds as estimated and determined upon as provided in section eight of this title, and order the same or so much of said amounts as may be necessary, to be raised by a tax in the next general tax levy, or by loan, or both, and to be paid into the several general funds and street district funds of the city; but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections five and six of this title to raise by general tax during the year. The council shall specify in such resolution the objects and purposes for which such appropriations are made, and the amount appropriated, for each object or purpose, and to each of the general funds and street district funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment or other sum which it may require to be levied or reassessed with the next general tax as mentioned in section nine of this title, and the disposition to be made of such moneys and shall also designate in said bill any local improvement which it may deem advisable to make during the next fiscal year, to be paid

Annual appro-
priation bill.

Limit of
amount.

What reso-
lution to
specify.

for in whole or in part by special assessments, and the estimated cost thereof.

When no further sums to be raised.

Exception.

SEC. 10. After the passage of the annual appropriation bill no further sum shall be raised or appropriated, nor shall any further liability be incurred for any purpose, to be paid from any general or street district fund, during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a majority vote of the electors of the city, or such district, as the case may be, voting upon the proposition at the next annual city election, or at any special election called for that purpose; but this section shall not prohibit the council from making any necessary repairs or expenditures, at a cost not exceeding five thousand dollars, the necessity for which is caused by an epidemic, casualty or accident, after making the annual appropriation for the year, and for borrowing the money therefor.

Limit of payments, liabilities, &c.

Proviso.

SEC. 11. No improvement, work, repairs or expenses to be paid out of any general fund or street district fund, except as herein otherwise provided, shall be ordered, commenced or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor in the last preceding annual appropriation bill; nor shall any expenditure be made or liability be incurred in any such year for any such work, improvement, repairs or for any purpose exceeding the appropriation so made therefor, nor shall any expenditure be made, or money paid out of any general or street district fund for any purpose, unless appropriated for that purpose in said bill: *Provided*, That nothing in this section contained shall be construed to hinder, delay or prevent the construction of any work to be paid for by special assessments, and the levying of special assessments therefor within the limitations prescribed in section seven of this title, and in accordance with the provisions of title eleven of this act.

When and to whom contract for public improvements may be let.

Proviso.

SEC. 12. No contract for the construction of any public building, sewer, paving, graveling, planking, or for the construction of any public work whatever, or for any work to be done, or for purchasing or furnishing any material, printing or supplies for said corporation, if the expense of such construction, repairs, work, printing, material or supplies shall exceed two hundred dollars shall be let or entered into, except to and with the lowest responsible bidder, with adequate security: *Provided*, That in case of repairing paved streets, building and repairing crosswalks, culverts, intersections and sidewalks, the council may cause the same to be done when so deemed advisable, and ordered by a vote of two-thirds of all the aldermen elect. No contract shall be awarded under the provisions of this section to any person who is in default to the corporation upon any contract, bond, obligation or otherwise, or who is a defaulter to the corporation, or who shall be in other respects disqualified, under the provisions of this act.

SEC. 13. The council shall also have authority to raise money by loan in anticipation of the receipts from special assessments, for the purpose of defraying the costs of the improvement for which the assessment was levied and interest may be added thereto as a part of the cost of the improvement. Such loan shall not exceed the amount of the assessment for the completion of the whole work.

Amount council may raise by loan.

SEC. 14. Should any greater amount be required in any year for any public improvement or purpose, to be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this title, such amounts may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of all the electors voting upon the question at an annual city election, or at a special election called for that purpose: *Provided*, That the amount voted or raised in any year, under the provisions of this section, shall not exceed two per cent of the assessed valuation, of the property in the city, as shown by the assessment roll for the preceding year.

How a greater amount may be raised.

Proviso.

SEC. 15. The proposition to raise such additional amount shall be submitted to a vote of the electors by resolution of the council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such resolution (after having been adopted by the council) shall be published in one of the newspapers of the city, and copies thereof posted in five public places in each voting precinct of the city, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

Method of submitting proposition to electors.

SEC. 16. All moneys and taxes raised, loaned or appropriated for the purposes of any particular fund shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received and to none other, nor shall the moneys belonging to one fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund at the close of any fiscal year. In such case the surplus shall be transferred to the interest and sinking fund should there be a deficiency in that fund, otherwise the council may apply such surplus as it shall deem proper. But whenever there shall, from any cause, be a deficiency in the police fund, fire department fund, highway fund, sewer fund, bridge fund, or water fund, the council may transfer from the contingent fund to supply the deficiency thus existing. Moneys not received or appropriated for any particular fund shall be credited to the contingent fund.

Funds to be kept separate.

How applied.

Surplus.

Deficiency.

Contingent fund.

SEC. 17. No moneys shall be drawn from the treasury, except in pursuance of the authority and appropriation of the council and upon warrants signed by the recorder and countersigned by the mayor and treasurer, or in case of a vacancy in the office of mayor, or in the absence of the mayor from the

Money, how drawn.

Warrants, what to specify. city, by the president *pro tem*. Such warrant shall specify the fund from which it is payable and shall be paid from no other fund.

When no warrants to be drawn. SEC. 18. No warrant shall be drawn upon the treasury after the fund from which it should be paid has been exhausted; nor when the liabilities outstanding and previously incurred and payable from such fund are sufficient to exhaust it.

Loans, bonds, etc. SEC. 19. For any loans lawfully made, the bonds or other obligations of the city may be issued bearing a legal rate of interest. When deemed necessary by the council to extend the time of payment, new bonds or obligations may be issued in place of former bonds or obligations falling due, in such manner as merely to change, but not increase the indebtedness of the city. Each bond or obligation shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable.

Bonds, what to show. SEC. 20. Immediately upon the close of the fiscal year, the council shall audit and settle the accounts of the city treasurer and other officers of the city, and the accounts also, as far as practicable, of all persons having claims against the city, or accounts with it not previously audited; and shall cause to be made a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, and the amount raised for each fund, the amount levied by special assessments and the amounts collected on each, and the amount of money borrowed, and upon what times and terms and for what purposes; also the items and amounts received from all other sources during the year. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and with what rate of interest, and such other information as shall be necessary to a full understanding of the financial concerns of the city.

TITLE X.

ASSESSMENT AND COLLECTION OF TAXES.

Duties of assessors. SECTION 1. The assessor of the city of Muskegon shall in each year make and complete an assessment of all the real and personal property within said city liable to taxation, under the laws of this State, and of all the property of any person liable to be assessed therein, in the same manner as required by law for the assessment of property in the townships of this State, and in so doing he shall conform to the provisions of law, governing the actions of supervisors of townships, performing like services unless otherwise in this act provided.

When roll to be completed. which said assessment roll shall be completed on or before the

first day of June in each year. The assessor shall make three typewritten copies of said assessment roll, to each of which he shall attach his certificate, certifying that the same is a true copy of the original assessment roll of said city. The assessor shall make an index of said assessment roll, showing in alphabetical order the names of all persons against whom an assessment is made therein, and the several and respective pages in said roll upon which said assessment appears. He shall deliver said typewritten copies of said assessment roll and said index to the board of review at the time appointed for the meeting thereof, and the same shall be kept by said board for the use of tax payers during its session. Said index shall be delivered to the treasurer when the tax roll shall be delivered to him, and the same shall thereafter be kept in his office for the use of taxpayers. The clerk of said board of review shall correct said index in such manner as to embrace therein all corrections or alterations made by the said board. In the matter of the assessment of property, the levying of taxes and the collection thereof, the city of Muskegon, except as in this act otherwise provided, shall be considered and treated as a township, under the provisions of the general laws of this State.

SEC. 2. The assessor of said city, the city attorney and five tax paying electors to be appointed by the common council, on the nomination of the mayor shall constitute a board of review of assessments. Said board of review shall organize by electing one of its members chairman, and shall elect a suitable person, not a member of said board, who shall be clerk of said board and who shall perform such duties as said board shall direct. The compensation for such services of such clerk shall not exceed two dollars per day while performing such services: *Provided*, That such clerk shall not be employed more than ten days after the adjournment of said board. Said board shall meet on the first Monday of June in each year, at the council room, and remain in session at least six hours each day for at least ten (10) days, and not to exceed fifteen consecutive days. The assessor and city attorney shall serve on said board without extra compensation; the other members of said board as aforesaid shall receive as compensation two dollars per day for ten days, and no more.

SEC. 3. The recorder shall give ten days' previous notice of the meeting of said board by publishing the same in the official newspaper of said city, and by causing said notices to be posted in three public places in each voting precinct. Said notice shall specify the days during which said board will hear complaints touching the matter of assessments. During the first five days of its session, said board of its own motion, or on sufficient cause being shown, shall add to said roll, the names of persons, the value of personal property, and the description and value of real property liable to assessment in said city, omitted from said assessment roll, or strike therefrom property improperly assessed thereon; it shall correct all errors in

Copies to be made.

Index of roll.

To deliver copies, roll and index to treasurer.

When city considered a township.

Board of review.

Chairman and clerk.

Compensation of clerk.

Proviso.

Meeting.

Limit of session. Who may serve on board.

Notice of.

Duty of board during first five days of session.

During the following three days.

After expiration of the three days named above.

May make new roll.

Powers and duties.

When to adopt and endorse roll.

Recorder to certify to assessor amounts.

the names of persons, in the description of property on said roll, and in the assessment and valuation of property thereon, at the request of any person, or his agent, whose property is assessed thereon, and on sufficient cause being shown, it shall correct the assessment as to such property in such manner as in its judgment will make the valuation thereof relatively just and equal. After the expiration of the first five days of its session, said board shall not add to said roll the names of any person nor the description of any property, nor shall it increase any assessment thereon. During the following three days of its session, said board shall hear any complaints concerning said roll or any assessment thereon. It may require any or all complaints to be submitted in writing, as in its judgment it may deem best. Said board may, upon satisfactory cause shown, strike from said roll any property not legally thereon, and may at the request of any person whose property is assessed thereon, and on sufficient cause being shown, reduce the same, and shall cause to be done whatever else may be necessary to make said roll comply with the provisions of this act and the general tax law of the State. After the expiration of the three days last above named, said board shall hear no complaints, but during the remaining days of its session shall determine from the evidence before it what changes, alterations and corrections are necessary and proper to be made in order to secure a just and true appraisement and valuation of the real and personal property in said city, and it shall incorporate such changes, alterations and corrections in said roll. Said board may make a new roll, whenever it may deem the same necessary, embracing such alterations and corrections as may have been adopted by said board. The determination and decision of said board as to all matters submitted to it, under the provisions of this act and of the general tax law of this State shall be final and conclusive, and shall not be subject to review by any court. Said board shall also have the same powers and perform like duties as are granted to and imposed upon boards of review in townships under the general law of this State, not inconsistent with the provisions of this act.

SEC. 4. When the board shall have reviewed and corrected the assessment roll of said city, they or a majority thereof, shall on or before the fourth Monday of June, adopt the same and endorse thereon and sign a statement to the effect that the same is the assessment roll of said city for the year in which it has been prepared and approved and said roll shall be and remain the assessment roll of said city for the purposes mentioned in this act.

SEC. 5. On or before the first day of September in each year, the recorder shall certify to the assessor the aggregate of all sums which the council require to be raised by general taxation for the year for all city purposes, and also all amounts reported to the council by the board of education, and authorized to be raised for schools, library and school purposes,

and all the amounts which the council require to be assessed or reassessed in any street district, main or special sewer district, or other special assessment district, or upon any parcel of land, or against any particular person as a special assessment, or otherwise within said city, or for any unpaid special assessment, or for any lien or charge created against any person or upon any parcel of land, under any ordinance, order or resolution of the council, under the provisions of this act, together with a designation of the district, a description of the land, the person upon or against whom the several sums are to be assessed or reassessed, with such further descriptions and directions as will enable the city assessor to assess the several amounts upon the property and person chargeable therewith.

SEC. 6. It shall be the duty of the city assessor, upon receipt of the certificate aforesaid, to levy in the assessment roll delivered to him as aforesaid, upon all the taxable property of said city, the amounts certified to him by the recorder of said city to be raised for city, school and library purposes, placing the city taxes in one column, the school, library, one mill and school house taxes in another column, and the interest and sinking fund tax in another column, and he shall also levy in the same roll upon the lands, property and persons chargeable therewith, all special assessments and sums reported to him by the recorder, as provided in this act for assessment or reassessment, and any street district or other assessments, placing all such taxes in a column of special assessments. He shall also levy and spread upon said roll upon all the taxable property in said city, the amount certified to him as necessary to be raised in said city for State, county and other taxes. The levying of such taxes shall be in accordance with the provisions of law governing the levying of taxes in townships, except as in this act otherwise provided. The several general funds mentioned in section three of title nine, shall be assessed in the aggregate under the head of "City taxes," and in a separate column so headed (except as to the interest and sinking fund, which shall be in a column in itself as above provided), the several special funds mentioned in section four of title nine shall be assessed in the aggregate under the head of "Special city taxes," and in a separate column so headed all special assessments shall be assessed separately and in a column headed "Special assessments." In all other respects except as in this act otherwise provided, the assessment roll shall be made in accordance with the provisions of the general law of the State. All special assessments shall be levied separately and the aggregate of taxes shall be carried into the last column of the roll. The assessor upon the completing of said roll shall certify to the city recorder the amounts of taxes levied in his roll for State and county purposes, and for city and school taxes, special assessments and other purposes, and the recorder shall charge the amount thereof to the city treasurer. The city treasurer shall give a bond to the county treasurer in the

Assessor to
levy taxes.

How placed
on roll.

Under head of
"city taxes."

Special "city
taxes."

Special
"assessments."

How levied

Assessor to
certify to
recorder.

Bond of
treasurer.

When roll delivered to treasurer.

same manner as township treasurers are required to do, and thereupon, on or before the first Monday in December, the assessor shall deliver a certified copy of the assessment roll, with the taxes entered therein as aforesaid, to the city treasurer, with his warrant for the collection of the taxes therein annexed thereto.

Warrant, what to contain.

SEC. 7. The warrant annexed to such roll shall command the city treasurer to collect from the several persons named in said roll the several sums mentioned in the last column thereof opposite their respective names, and to retain in his hands the amount receivable by law into the city treasury, for the purposes therein specified, and to account for and pay over to the county treasurer the amounts therein specified for State and county purposes, on or before the first day of March next following; and the said warrant shall authorize and command the treasurer, in case any person named in said tax roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person. The roll with the warrant annexed thereto shall be known as the "Tax roll."

To be known as "tax roll."

Notice of treasurer on receipt of roll.

SEC. 8. Upon receiving the tax roll as above provided, the city treasurer shall give immediate notice to the tax payers of the city by publishing the same in the official newspaper of said city, and by posting copies thereof in three public places in each voting precinct that such roll has been delivered to him, and that the taxes therein levied may be paid to him at his office, at any time before the tenth day of January of the succeeding year, and that on all sums voluntarily paid before that time, he will add one per cent collection fees, and upon all taxes paid on and after said tenth day of January and on or before the tenth day of February next following, he will add two per cent collection fees; and upon all taxes paid after said tenth day of February, he shall add three per cent for collection fees. It shall be the duty of the city treasurer to be at his office from nine o'clock in the forenoon to five o'clock in the afternoon each secular day, during the months of December, January and February, and shall receive payment of such taxes as may be offered to him.

When tax may be paid at office of treasurer.

Fees.

Office hours of treasurer.

When may appoint deputy, powers, etc.

SEC. 9. The city treasurer, with the consent of the council, may appoint a deputy, who shall possess all the powers and may perform all the duties of the treasurer. Such city treasurer and his bondsmen shall be liable for all the acts and defaults of such deputy. Such deputy shall be paid by the treasurer. The treasurer shall have such powers and perform such duties not herein particularly enumerated, as are conferred upon township treasurers by the general law of this State.

Tax roll to be delivered to treasurer.

SEC. 10. The tax roll, with the warrant attached as herein provided, shall be delivered to the city treasurer, as hereinbefore provided, if security has been given by him as required by law, or in this act provided, and if such security shall not have

Provido.

been given, the council shall immediately appoint some suitable person, who shall give the required security, to collect the taxes spread on such tax roll, and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes and make return of his doings thereon, in the same manner, and shall have all the powers and perform all the duties, and be subject to the same liabilities as in this act conferred upon the city treasurer, for the purpose of the collection and return and paying over of said taxes. The city treasurer, or person authorized to collect taxes, as herein provided, may in his discretion, proceed to collect the personal tax spread upon said roll at any time after the delivery to him of said roll.

When personal taxes may be collected.

SEC. 11. All the provisions of law respecting delinquent taxes levied in townships shall apply to all taxes, special assessments and charges created, ordered or levied in the city of Muskegon, and be returned as delinquent to the county treasurer. The city, in respect to taxes, special assessments and charges created, ordered or levied therein, and returned to the county treasurer as delinquent, shall, except as herein otherwise provided, be considered and treated as a township, and all provisions of law for the sale of lands, for the payment of taxes levied for State, county and township purposes returned delinquent, shall apply to the return and sale of property for the non-payment of delinquent taxes, special assessments and charges created, ordered or levied in the city of Muskegon, except as herein otherwise provided.

Return sale, etc., of delinquent taxes to be governed by general law.

SEC. 12. No general or special tax, special assessments or charges created, ordered or assessed in said city, upon any property therein, shall be held illegal, or invalid, for any matter of form, in any matter not affecting the merits of the case, and which shall not injure or prejudice the rights of the party assessed; and all taxes and special assessments and charges (created) credited, ordered and assessed in said city shall be presumed to be legally assessed, until the contrary is affirmatively shown, and no such presumption shall be rebutted, or any sale for taxes, special assessments and charges created, ordered or assessed in said city, be rendered invalid by showing that any paper, certificate, return or affidavit required to be made and filed in any office, is not to be found in the office where the same ought to be filed or found, but until the contrary is proved the presumption shall be, in all such cases, that such paper, certificate, return or affidavit was made and filed in the proper office.

Certain taxes not held to be illegal in certain cases.

SEC. 13. The council shall have power to assess and collect from every male inhabitant in the city over the age of twenty-one, and under the age of sixty years, except paupers, idiots and lunatics, and other persons who are by law exempt, (an) and annual capitation or poll tax, not exceeding one dollar, and the council may provide by ordinance for the collection of the same. Any person assessed for such poll tax may pay the

Poll tax.

same by one day's labor upon the streets under the direction of the street commissioner. All money raised by such poll tax shall be expended under the direction of the council.

Money from,
how expended.

TITLE XI.

SPECIAL ASSESSMENTS.

Certain im-
provements to
be paid from
general fund.

SECTION 1. The cost and expense of the following improvements, including the necessary lands therefor, viz.: Public buildings for the use of the city and its several departments, public wharves and landings, and lands appropriated for streets and rights of way, shall be paid from the proper general funds of the city. When by [the] provisions of this act the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessments upon lands fronting on and adjacent to or otherwise benefited by the improvement, such assessment may be made in the manner hereinafter specified.

Exception.

Board of
assessors.

SEC. 2. For the purpose of making any special assessment the council shall designate one of [the] its aldermen, who, together with the assessor and the city surveyor, shall constitute a board of assessors. The compensation of such board shall be fixed and paid by the council.

Compensation.

Apportionment
of expense of
improvements.

SEC. 3. Whenever the council shall determine to make any necessary public improvements and defray the whole or any part of the expense thereof by special assessment, it shall so declare by resolution, stating the improvement and what part or portion of the expense thereof shall be paid by special assessment, and what part shall be paid from the general funds or from street district funds of the city, and it shall also designate the district of lands and premises, upon which the special assessment shall be levied: *Provided*, That the cost of all repairs and reconstruction of any improvement shall be paid out of the proper general fund of the city except as in this act otherwise provided.

Estimates
to be filed.

SEC. 4. Before ordering any public improvement, any part of the expense of which is to be defrayed by special assessment, the council shall cause estimates [of the expense] thereof to be made, and also plats and diagrams, when practicable, of the work and locality to be improved, and filed with the recorder for public examination; and the council shall give notice thereof, and of the proposed improvement, and of the district to be assessed therefor by publication in the official newspaper of the city for at least two successive weeks, and of the time when the council will meet and consider any objections thereto. If the owners of more than one-half of the property to be assessed therefor shall object in writing thereto, no such improvement shall be made, unless the council shall, by vote of two-thirds of the aldermen elect, order such improvement to

Notice of meet-
ing to consider
objections.

be made. The cost and expense of such improvement shall include the cost of surveys, plans, assessments and cost of construction. In no case shall the whole amount to be levied upon any lot or premises for any one improvement exceed twenty-five per cent of the value of such lot or land as assessed upon the assessment roll for the preceding year. Any cost exceeding such percentage which would otherwise be chargeable on such lot or premises shall be paid from the proper general fund of the city. No special assessment to defray the estimated cost of any such improvement shall be levied before the letting of the contract for the making of such improvement.

What cost and expense to include.

Limit of amount to be levied.

Time for levying.

SEC. 5. Whenever the council shall direct any special assessment to be made, they shall direct the same to be made by the persons named in section two of this title, and shall state therein the amount to be assessed, and shall describe or designate the lots and premises constituting the district to be assessed. Such assessment shall be made by frontages or benefits, as the council shall direct.

Directions for making special assessment.

SEC. 6. Upon receiving such directions, the board of assessors named therein shall make out an assessment roll, entering and describing therein all the lots and premises, and parts of lots, to be assessed, and the valuation thereof, and the names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon and against such persons the amount to be assessed in the manner directed by the council. When such assessment is completed, they shall report the same to the council. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such lot or premises abutting or fronting upon the improvement bears to the whole frontage of all the lots or premises to be assessed; unless on account of the shape or size of any lot or premises an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot or premises from the improvement, and shall report the same to the council.

Assessment roll.

Completion, to report to council. Assessment according to frontage.

According to benefits.

SEC. 7. When any special assessment roll shall be reported by the board of assessors, the same shall be filed in the office of the recorder. Before adopting such assessment the council shall cause notice to be published for at least three weeks in the official newspaper of the city of the filing of said assessment roll, and appointing a time in said notice, when the council and board of assessors will meet to review the same. Any person objecting to such assessment may file his objections thereto in writing with the recorder.

Roll to be filed with recorder.

Notice of review.

Objections, when filed.

SEC. 8. At the time so appointed, the council and board of assessors shall meet, and then or at some adjourned meet-

Review, correction and disposition of roll.

Certificate.	ing review the assessment roll and consider any objections made thereto; the council shall correct the same, if necessary, and confirm it as reported or as corrected; or it may refer it back to the board of assessors for revision or annul it, and direct a new assessment, in which case the same proceedings shall be had, as in respect to the previous assessment. When a special assessment shall be confirmed, the recorder shall endorse a certificate thereof upon the roll, showing the date of confirmation.
Assessment final, how confirmed.	SEC. 9. When any special assessment shall be confirmed by the council, it shall be final and conclusive; but no such assessment shall be confirmed, except by the concurrence of two-thirds of all the aldermen elect.
To be a lien.	SEC. 10. All special assessments shall, from the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the person to whom assessed until paid.
Division into installments.	SEC. 11. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than four installments, one of which shall be collected each year, at such times as the council shall determine, with such annual interest as the council may determine, at a rate not exceeding eight per cent.
What portion due on confirmation.	SEC. 12. All special assessments, except such installments thereof as the council shall make payable at a future time, as provided in the preceding section, shall be due and payable on confirmation.
Proceedings in case of division of lands before taxes collected.	SEC. 13. Should any lots or premises be divided after a special assessment thereon shall have been confirmed, and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and premises so divided. The report of such apportionment when confirmed shall be conclusive on all the parties, and all collections thereafter made upon such lots or premises shall be according to such division.
Additional assessments in case of deficiency.	SEC. 14. Should any special assessment prove insufficient to pay for the improvement for which it was levied, and the expenses incident thereto, the amount of such deficiency shall
Surplus.	be paid from the appropriate general fund of the city; and in case a greater amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.
Proceedings in case of irregularity.	SEC. 15. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of any irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made, for the same purpose for which the former assessment was made.

All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment. Whenever any sum, or any part thereof, levied upon any premises, in the assessment so set aside has been paid, and not refunded, the payment so made shall be applied upon the reassessment, and the reassessment shall to that extent be deemed satisfied.

Sums paid, how applied.

SEC. 16. No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might have been lawfully assessed thereon.

Lien not to be destroyed.

SEC. 17. Whenever any special assessment shall be confirmed and be payable, the council may direct the recorder to [report] to the city assessor a description of such lots and premises as are contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and require said city assessor to levy and spread the several sums so assessed as a tax upon the several lots or premises to which they were assessed respectively. Upon receiving said report, the city assessor shall levy and spread the sums therein mentioned upon the respective lots and premises to which they are assessed, and against the persons chargeable therewith as a tax in the general assessment roll next thereafter to be made, in a column for special assessments, and thereupon the amount so levied and spread in said general assessment roll shall be collected and enforced with the other taxes in the general assessment roll, and in the same manner, and shall continue to be a lien upon the premises assessed until paid, and when collected shall be credited to the proper funds.

Payable assessments may be reported to city.

Who to levy sum reported.

Collection of.

Where credited.

SEC. 18. Whenever any special assessment shall be confirmed and be payable, as hereinbefore provided, the council, instead of requiring the assessments to be reported to the city assessor as hereinbefore provided, may direct the assessment so made in the special assessment roll to be collected directly therefrom. And thereupon, the recorder shall make a certified copy of said special assessment roll, and the mayor shall attach thereto his warrant commanding the city treasurer to collect from each of the persons assessed in said roll, the amount of money assessed and set opposite his name therein, and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person, and to return said roll and warrant, together with his doings thereon, in sixty days from the date of such warrant. In case any assessment shall remain unpaid after the expiration of said sixty days no renewal of said warrant shall be necessary, but said warrant shall remain in full force and effect, and the treasurer shall have full power and author-

Council may order a direct collection by treasurer.

Return.

ity to collect the same by virtue of said original warrant at any time, until such assessment shall be paid, or until said assessment shall be placed and levied upon the general assessment roll, as in this act provided. In case any assessment shall remain unpaid after the expiration of the said sixty days, the council may at any time thereafter direct the amount thereof to be levied and spread, together with interest thereon, at eight per cent per annum, upon the next general assessment roll, and thereupon the city treasurer shall certify to the city assessor a correct description of the lots and premises, upon which any such assessment or part thereof remains unpaid, together with the amount of such unpaid assessment, with the interest due thereon, and the name of the owner or occupant against whom the assessment was made; and thereupon it shall be the duty of the city assessor to levy and spread such assessment upon the general assessment roll, as hereinbefore provided.

Treasurer to collect.

When per cent to be added.

Rate of interest may add.

Proceedings in case of neglect or refusal to pay.

Costs and expenses of sale.

May collect by action of assumpsit.

SEC. 19. Upon receiving said special assessment roll and warrant thereto, the city treasurer shall proceed to collect the amounts assessed therein, and on all sums paid at his office within thirty days from the time the rolls come into his hands for collection, no collection fee shall be added, and upon all amounts paid after the expiration of said thirty days, he shall add and collect four per cent as collection fees. To all amounts paid after the expiration of sixty days from the time the roll came into his hands for collection, he shall add and collect interest at the rate of eight per cent per annum. Such collection fees and interest shall be an additional charge upon the lots or premises assessed, and against the persons chargeable therewith, and said interest shall be paid into the city treasury and credited to the highway fund. If any person shall neglect or refuse to pay his assessment upon demand, the city treasurer shall levy and collect the same by distress and sale of the goods and chattels of such person, found within the city or elsewhere within the county, to an amount sufficient to pay such assessment, fees, interest and charges for subsequent sale. Such sale shall be at public auction, on giving public notice of the time and place of such sale for at least six days previous thereto, by posting written or printed notices in three public places in the city or township where such property may be found. The proceeds of such sale or so much thereof as shall be necessary for that purpose, shall be applied on the payment of the assessment, and a percentage of five per cent for costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the party entitled thereto.

SEC. 20. At any time after any special assessment has become due and payable, the same may be collected by suit, in the name of the city against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common

counts for money paid shall be sufficient. The special assessment roll, and a certified copy of the order or resolution confirming the same, shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor. Evidence.

SEC. 21. If in such action it shall appear that by reason of any irregularities or informalities the assessment has not been properly made against the defendant, or the lot or premises sought to be charged, the court, nevertheless, on satisfactory proof that the expense has been incurred by the city, which is a proper charge against the defendant or the lot or premises in question, shall render judgment for the amount properly chargeable against such defendant or upon such lot or premises. In case of irregularity, etc.

SEC. 22. The bringing of any such suit by the city shall not be deemed a waiver of the lien created by this act, nor of the right to enforce the same in the manner provided therefor. Waiver of lien.

TITLE XII.

APPROPRIATION OF PRIVATE PROPERTY.

SECTION 1. Private property may be appropriated for public use for the purpose of opening, widening, altering and extending streets, alleys, avenues, for the construction of bridges, for buildings and structures for the fire department, for public grounds, parks, market places and spaces; for public wharves, docks, slips, basins and landings, improvement of water courses, sewers, drains, ditches and outlets and discharges for the same; for water works and necessary public buildings, hospitals, pest houses, quarantine grounds, public cemeteries, for gas and electric light plants, and for other lawful and necessary public uses. But such property shall not be taken therefor, without the consent of the owner, unless the necessity for taking and using the same, and the just compensation to be made therefor and to be actually paid, or to be secured in the manner in this act provided, shall be determined by a jury of twelve free holders residing in the city. Nor shall any improvement requiring the taking and using of private property be ordered except with the concurrence of two-thirds of all the aldermen elect. The council may, however, acquire such property by negotiation and purchase. Purposes for which private property may be appropriated.

SEC. 2. When the council shall deem it necessary to make any public improvement, requiring the taking or using of private property, not acquired by purchase, it shall so declare by resolution, describing the proposed improvement, and each parcel of land designed to be taken, giving the names of the owners and persons interested therein, so far as known, and Manner of acquiring without consent of owner.

shall in the same resolution designate a justice of the peace of said city, to whom application will be made, at a time and place therein to be stated, for the impaneling of a jury to ascertain the necessity of using said land and the just compensation to be made therefor.

Notice of application for jury.

SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice, and notice of the time and place of making said application shall be given, by publishing the same, together with a copy of said resolution, for three weeks, in one of the newspapers of said city (if personal service on all parties interested cannot be had), the first publication of which shall be at least thirty days before the time fixed for the application.

How served.

A copy of said notice and resolution shall be served personally by the chief of police, or by his deputy, at least two weeks before the time for hearing said application, upon each owner, and persons interested in said lands, so far as known, and upon the guardian of any minor or incompetent person interested therein, if to be found within the city, or elsewhere in the county of Muskegon, and if any such guardian, owner or person interested shall not be found within the city, or said county, a copy of said notice and resolution shall be posted upon the premises to be taken, the same length of time before making said application, and a return by the chief of police or his deputy of the service of said notice and resolution (which return shall be conclusive as to the matters therein stated) and an affidavit of publication of said notice and resolution shall be filed with the said justice before or at the time of making said application. After the publication and service of said notice and resolution as aforesaid, the owners and all persons interested in any of the lands to be taken for said improvement shall take notice of and be bound by all the subsequent proceedings without further notice, except as herein otherwise provided.

Return by officer, where filed.

Effect of notice.

Impaneling of jury.

SEC. 4. At the time appointed therefor in said notice and resolution, or at such other time as [the] proceedings shall be adjourned to by said justice, he shall, upon the application of the city attorney, cause the chief of police, or his deputy, to make a list of the names of twenty-four disinterested freeholders, residing in said city, competent to serve as jurors. From said list the city attorney shall strike off six names, and the owner or owners and persons interested in said lands shall strike off six names, or upon their failure to do so, the justice shall strike off such names for them; and thereupon the said justice shall issue a venire, directed to said chief of police, to summon the twelve persons, whose names remain upon said list, to appear before said justice, at a time and place in said venire to be named, not less than two nor more than six days from the date thereof, to make a jury, to inquire of and determine the matters referred to in said resolution; and shall then adjourn the further proceedings in the matter,

Venire, what to contain.

to the return day of said venire. Said venire shall be served by the chief of police or his deputy, as in other cases of venire. Said jurors shall be liable for non-attendance, the same as jurors summoned to appear in justice courts, and may be excused for the same causes. How served.

SEC. 5. At the time of making the application to the justice for the impaneling of the jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian, appointed under the laws of this State; but if there should be no such guardian or if no such guardian shall appear, to represent such infant or incompetent person, the justice, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem* to protect the interests of the person for whom he is so appointed. Infants, etc., how may be represented.

SEC. 6. If upon the return day of said venire a sufficient number of competent jurors shall not appear in answer to the summons or if any shall be excused or set aside, the justice shall require the chief of police or his deputy to summon immediately a sufficient number of other competent freeholders of said city, until a panel of twelve qualified jurors shall be obtained. Each party and the persons having an interest in any of the lands shall have the right to challenge any juror for cause, and the justice shall determine as to the competency of the jurors. Such jury shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolution, and, if taken, to determine and award to each person entitled thereto a just compensation to be allowed for his or her interest in the land so taken. Completing panel of jury.

SEC. 7. When the jury shall have been sworn the city attorney shall deliver to them a copy of the said notice and resolution of the council and a map or plat of the proposed improvement, showing the location and boundaries of each parcel of land sought to be taken and its position in relation to adjoining lands; and any person claiming an interest in any of the land sought to be taken although not named in said resolution as owner or party interested, may then file with the justice a statement of his interest in and a description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury. Right to challenge oath.

SEC. 8. The jury shall then, or at such other time as the justice shall direct, proceed to examine the premises sought to be acquired and testimony may be produced before them, under the direction of the court, as in cases of ordinary jury trials before justices of the peace, so far as applicable, and upon the close of the testimony the justice may instruct the jury as to the provisions of this act relating to their duties. Copy of notice to be given to jury.

SEC. 9. The jury shall consider upon each parcel of land described in the resolution of the council, separately. If they shall find it necessary to take the same for the purpose of Other claims to be filed.

Jury to examine premises.

Each parcel to be considered separately.

Damages, how estimated and awarded.

said improvement, they shall so determine, and shall award the compensation to be made therefor. If only a part of any lot or parcel shall be taken, they shall estimate the whole damages occasioned thereby, and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement, and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or parcel of land, as owners, mortgagees, lessees, or otherwise, the jury shall apportion to each such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate.

Report of determination, what to contain.

SEC. 10. The jury shall make a report of their determination and award in writing; they shall describe therein each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the whole amount of damages occasioned by taking the same; deducting therefrom, if any, for special benefits arising from the improvement to the remainder of the lots or premises from which the part appropriated is taken, and the net amount awarded as damages and compensation therefor, the name of the owner, and of any persons having separate claims thereon, by mortgage, lease or otherwise, to whom said damages are awarded, and the amount awarded to each, and the date and description of any mortgage, lease or lien, by virtue of which such claim is made. When conflicting claims are made to any damages awarded, the jury, without deciding between the claimants, shall report the fact, the names of such claimants, and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the justice within ten days after the impaneling of the jury.

How signed and to whom returned.

Duty of city attorney and justice.

SEC. 11. The city attorney shall give such assistance to the jury in making up their report as they may require. The justice shall enter said report and all the proceedings had in the cause before him in his docket.

In case of disagreement.

SEC. 12. A disagreement of the jury as to one or more distinct parcels of land shall not affect the awards and reports upon which they have agreed, and upon any such disagreement, the justice may, upon the motion of the city attorney, impanel a new jury in the same manner as provided for drawing the original jury, and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree, and a new jury may in like manner be had as often as necessary. If any juror after being impaneled as aforesaid, and before the hearing, shall be unable to discharge his duties, the justice may appoint another in his place, who shall have the like qualifications and be sworn and exercise the same duties as the other jurors of the panel.

New jury.

SEC. 13. Upon filing the report and award made by the jury with said justice, a copy thereof certified by such justice, shall be filed with the city recorder, and at any time thereafter within forty days after the impaneling of the jury making the report, the justice, upon the application of the city attorney, shall enter judgment of confirmation of the determination and award therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and that award shall be at an end, and a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time prescribed in the next section.

Copy of report to be filed with recorder.

When proceedings to be at an end.

When judgment final.

SEC. 14. Any party aggrieved by the judgment of confirmation mentioned in the preceding section, may, within ten days after the entry thereof, appeal therefrom to the circuit court for the county of Muskegon, by filing with the justice a claim of appeal in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond to the city in a penal sum of not less than three hundred dollars, with sureties to be approved by the justice, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him in the circuit court, and by paying the justice the sum of three dollars for making his return to the appeal.

Appeal, how made.

Bond.

Costs.

SEC. 15. At the time of filing said claim of appeal the appellant shall present to the justice a statement in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof and of the claim of appeal upon the city attorney, who may propose amendments to said bill. Within ten days after said bill is presented, said justice shall, according to the facts of the case, correct and sign the same, and within ten days thereafter the said justice shall make a certificate and return to said bill, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal and said bill of exceptions, and file the same with the clerk of said circuit court.

Bill of exceptions, what to contain.

Duty of justice in case of appeal.

SEC. 16. Upon filing the return of the justice as mentioned in the preceding section, the circuit court shall have jurisdiction of the cause, and upon the hearing thereof, shall first consider the errors alleged in said claim of appeal, and, if

Circuit court to have jurisdiction, order of proceedings.

Trial by jury.	<p>the proceedings are found to be invalid as to the party appealing on account thereof, the court shall remand the case, so far as affects the appellant, to said justice, and a new jury may be called and the like proceedings had as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term upon the question as to the amount of damages to be awarded, but the finding of the jury before the justice as to the necessity of taking the land shall be held conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any manner affect said judgment as to the other persons interested therein, who do not appeal.</p>
Appeal of one person.	
Judgment.	<p>SEC. 17. Upon any dismissal of the appeal or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and right of the city to take and appropriate the lands of the appellant for the purposes mentioned in the resolution of the council and unless the appellant shall recover judgment for at least ten dollars more than the amount awarded to him before the justice, he shall pay costs to the city, otherwise the court shall award such costs to him as shall be just.</p>
Costs.	
What evidence of regularity.	<p>SEC. 18. Certified copies of any judgment of confirmation of the circuit court, or of the justice of the peace after the same has become final, and of the report of the jury thereby confirmed shall be filed with the recorder of said city and recorded in a book of records kept for that purpose, and when so recorded shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired and confirm the same.</p>
Payment of damages and collecting for benefits.	<p>SEC. 19. Within six months after the judgment of confirmation by the circuit court, or after the judgment of confirmation by the justice shall become final, the council may pay or tender, out of any appropriate fund or funds, to the respective persons, the several amounts of damage and compensation awarded to them, as finally confirmed. And in case the person or persons to whom the same has been awarded shall refuse the same, be unknown, or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded with a statement of the facts relating thereto in the treasury of the city, to the credit of the person or persons entitled thereto, and the same shall be paid on demand of the person entitled to receive it. No delay in making any award of damages, or in taking possession of any property shall be occasioned by any doubt as to the ownership of the property or as to the interest of the respective parties making claim thereto.</p>
Possession of property.	

SEC. 20. Upon the payment, tender or deposit mentioned in the preceding section, the fee of the land sought to be taken, with the appurtenances and the right to occupy the property sought to be used, shall vest in the city, and the council may convert and use the same. A certificate of the city treasurer of such payment, tender, or deposit, or a record of such certificate in the book of records of the recorder, or a certified copy thereof, shall be presumptive evidence of the matters therein stated, and of the ownership of the city in fee in the lands and property taken.

When fee in
lands to vest
in city.

SEC. 21. In all cases, where any real estate, subject to lease or agreement shall be taken for public use, all the covenants and stipulations therein shall end, upon the judgment of confirmation in the circuit court, or upon the confirmation by the justice, when the same shall become final. If a part only of such real estate shall be taken; the said covenants and agreements shall be discharged only as to such part.

In case of
lease.

TITLE XIII.

SEWERS, DRAINS AND WATER COURSES.

SECTION 1. The council may establish, construct and maintain sewers and drains, and improve water courses, whenever and wherever necessary, and of such dimensions and material, and under such regulations as it may deem proper, for the drainage and sewerage of the city.

Establishment
and construction
of.

SEC. 2. Whenever it shall become necessary, in the opinion of the council, to provide sewerage, drainage, or to improve water courses for the city, or any part thereof, it shall be its duty to devise or cause to be devised a plan for such drainage or sewerage.

Plan of
drainage.

SEC. 3. Such plan, shall in the discretion of the council, be formed with a view to the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections; the districts to be so numbered and so arranged, as to be as nearly independent of each other as may be. Plats and diagrams of such plans, when adopted, shall be filed in the office of the recorder.

Relative to
districts.

SEC. 4. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers, connecting with the main sewer, and shall include in such districts such lands as, in the opinion of the council, will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more local or branch sewers, and such lands as, in the opinion of the council, will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

Sewer districts
may be sub-
divided.

**Main or trunk
sewers.**

SEC. 5. The council may, however, provide for main or trunk sewers, without reference to sewer districts, diagrams or plats of which shall be filed in the office of the recorder.

**Cost of sewers,
how paid.**

SEC. 6. The costs and expenses of establishing and maintaining any main or trunk sewer, constructed without reference to sewer districts, shall be paid out of the general sewer fund. Such part as the council shall determine, being not less than twenty-five per cent of the cost and expense of any main district sewer, or of the cost of any lateral, branch or local sewer, constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such cost and expense shall be defrayed by a special assessment upon all the taxable land and premises included within such sewer district, in proportion to the estimated benefit accruing to each parcel respectively, from the construction of the sewer. Assessments according to benefits, as aforesaid, shall be made without reference to any improvements or buildings upon the lands.

**Plat of district
sewer.**

SEC. 7. Before proceeding to the construction of any sewer, any portion of the cost of which is to be paid by special assessment, the council shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, lots and subdivisions thereof in the district, and the proposed route and location of the sewer, and the depth, grade and dimensions thereof, and shall cause an estimate of the cost thereof to be made. The council shall give notice by publication for at least two weeks in the official newspaper of the city of the proposed construction of such sewer, and where such diagram and plat may be found for examination, and of the time when the council will meet, and consider suggestions and objections with respect to such sewer that may be made by parties interested.

**Notice to con-
struct, what
to contain.**

**Resolution
declaring
determination.**

SEC. 8. When the council shall determine to construct any such district sewer, it shall so declare by resolution, designating the district, and describing by reference to the plat and diagram thereof mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expense of the sewer shall be paid from the general sewer fund (being not less than twenty-five per cent), and what part shall be defrayed by special assessment, according to benefits. All maps, plats and diagrams, when finally adopted, shall be filed in the office of the recorder.

**Special sewer
assessments.**

SEC. 9. Special assessments for the construction of sewers shall be made in the manner provided in this act for making special assessments.

**Petition for
construction.**

SEC. 10. When the owners of a majority of the lands, liable to taxation in any sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer therein, and if the lands included in the line of such proposed sewer are not within any sewer district, a

district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council. By discretion of council.

SEC. 11. Whenever the council shall deem it necessary for the public health it may require by resolution the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises, and to keep such private drains in repair, and free from obstruction and nuisance; and, if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon, or may be assessed upon the general assessment roll as in this act provided. Private drains may be required.

SEC. 12. The owners or occupants of lots and premises shall have the right to connect the same by means of private drains with public sewers and drains at their own expense, under such rules and regulations as the council shall prescribe. May connect with public sewers.

SEC. 13. Such part of the expense of providing ditches and improving water courses as the council shall determine may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits. Expenses, how paid.

SEC. 14. The expenses of repairing and reconstructing public sewers, ditches and water courses shall be paid from the general sewer fund. Idem.

TITLE XIV.

STREETS, SIDEWALKS AND PUBLIC GROUNDS.

SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city, and shall cause the same to be kept in reasonable repair. Council to have control.

SEC. 2. The city shall not be responsible for the care, improvement or repair of streets or alleys, laid out or dedicated to public use by the proprietors of any land, until such street or alley has been actually accepted by the city or open to and used by the public for the term of three years. Certain exceptions.

SEC. 3. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate or abolish any highway, street or alley in the city, whenever it shall deem the same a public improvement, and if in doing so it shall be necessary to take or use private property, the same may be taken in the manner provided in this act for taking private property for public use. The expense of such improvement shall be paid from the proper general fund of the city. Authority to lay out.

SEC. 4. When the council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or Expense, how paid.

Vacating streets.

Notice.	<p>any part thereof, it shall by resolution so declare, and in the same resolution shall appoint a time, not less than four weeks thereafter, when it will meet and hear objections thereto. Notice of such meeting shall be given by publishing a copy of said resolution not less than four weeks before the time appointed for such meeting, in the official newspaper of said city. If, at any time thereafter, the council shall by two-thirds vote of all the aldermen elect, by resolution declare such highway, street, alley or public ground vacated, discontinued or abolished, the same shall be deemed vacated, discontinued or abolished.</p>
Two-thirds vote.	
Surveys of streets.	<p>SEC. 5. The council may cause all public streets, alleys and public grounds to be surveyed, and it may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the recorder in a book of street records, and it shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended, dedicated and accepted and confirmed by the council to be recorded in like manner, and such record shall be <i>prima facie</i> evidence of the existence of such streets, alleys or public grounds mentioned therein. Every resolution discontinuing or vacating any street, alley or public ground shall also be recorded in said book of street records, and the record thereof shall be <i>prima facie</i> evidence of the matters therein set [forth] fourth.</p>
Record of boundaries.	
Record of vacations.	
Grades.	<p>SEC. 6. The council shall have authority to determine and establish the grades of all streets, avenues, alleys and public grounds within the city, and to require improvements and buildings adjacent or abutting upon such streets, alleys or grounds to be made and constructed in conformity therewith, and may change or alter the grade of any street, alley or public ground, or of any part thereof, whenever in its opinion the interests of the public will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the recorder.</p>
Change of grade after pavement is constructed.	<p>SEC. 7. Whenever any street or alley shall have been graded or paved in conformity to the grades established by authority of the city, and the expenses thereof shall have been assessed upon lots or lands bounded by or abutting upon such streets or alleys, the owner or owners of such premises shall not be subject to any special assessment occasioned by any subsequent change of grade in such street or alley, or for any repairs or repaving of such street or alley: <i>Provided</i>, That if such repairs or repaving of such street or alley be asked for by the owners of three-fourths of the frontage of such lots or lands abutting on such street or alley to be benefited within the paving or street districts now established upon such streets or alleys or that may hereafter be established thereon by the council, then and in such case repairs or repaving shall be made and paid for by a special assess-</p>
Proviso.	

ment upon the property benefited thereby in the manner provided in title XI of this act: *And provided further*, That the expense of all street and alley intersections shall be borne by the city. The expense of all improvements occasioned by such change, except as hereinbefore provided, shall be paid by the city.

Further proviso.

SEC. 8. If damage shall result to any owner by change of the established grade of any street, alley, sidewalk, wharf or landing, the council may in its discretion levy and collect the amount thereof by special assessment upon the lots and premises benefited thereby, equal to the extent of such benefits, and pay the amount so collected to the party entitled thereto, but the city shall incur no liability by reason of anything in this section contained.

Damage by change of grade, how made.

SEC. 9. The council shall have power, and it shall be its duty to prescribe by resolution the width, direction and location of all streets, alleys and public grounds of any proposed plat, or subdivision of land, within the city, and to that end any proprietor of land, intending to lay out, divide and plat the same into lots, blocks, public grounds, streets and alleys, or otherwise, shall file with the recorder a correct survey, plan and map of such land, showing all the subdivisions thereof, and all streets, alleys and public grounds intended to be dedicated to the public, and also the relative position and location of such lots, blocks, streets, alleys and public grounds, with respect to adjacent premises and streets of said city. If such proposed plan and map meet the approval of the council, in regard to the streets, alleys and public grounds thereof, such approval shall be declared by resolution, and the fact of such approval, and the date thereof, shall be endorsed thereon by the recorder, under the corporate seal of the city. If such plan and map be not so approved, the council shall within sixty days after such filing with the recorder, prescribe by resolution the width, direction and location of such streets, alleys and public grounds, or any of them, and the proprietor of such proposed plat shall cause such plan and map to conform to such resolution, whereupon such map shall be approved by the council and endorsed as aforesaid. If the council fail to approve any plan or map so filed, or to prescribe any changes therein in manner aforesaid for the space of sixty days after the same has been filed with the recorder, such failure shall be deemed an approval thereof in all respects, and the recorder shall endorse such fact thereon under the corporate seal of the city, which shall have all the force and effect of a regular approval by the council. No such plat shall be valid or be recorded in the office of the register of deeds for the county of Muskegon until it shall have been endorsed by the recorder in manner aforesaid. Such proprietor shall, within twenty days after such plan and map shall have been approved as aforesaid, file a certified copy thereof with the recorder for the use and benefit of the city. Such approval

Council to prescribe width of streets.

Survey and map to be filed.

Approval to be endorsed on.

Failure to approve for 60 days.

Recorder to endorse.

Copy to be filed with recorder.

shall not in any manner be deemed an acceptance by the city of such streets, alleys and public grounds.

Liabilities
of city for
injuries.

SEC. 10. The city shall not be liable to any person for injuries received by him on his property in consequence of any sidewalk or crosswalk in said city not being kept clear of snow and ice, nor shall the city be liable to any person for injuries received by him or his property in consequence of any defect in or upon any sidewalk, crosswalk or street, unless it shall be shown that the defect occasioning the injury had existed thirty days prior to said injury, or unless the city had had actual notice of the existence of said defect five days before the injury occasioned thereby was received.

Council to have
power to grade.

SEC. 11. The council shall have power to grade, pave, plank, gravel, curb, and otherwise improve and repair the streets, avenues, lanes and alleys of said city, and for that purpose and for defraying the expenses thereof may divide the city into street districts. The term paving shall be deemed to include the construction of crosswalks, gutters and curbing.

Paving defined.

Expenses,
how paid.

SEC. 12. At least twenty-five per cent of the cost and expense of improving any street, lane or alley by grading, paving, planking, graveling, and curbing or otherwise, shall be paid from the general highway fund or from the street district fund of the proper street district, or in part from each, and the remainder, or so much thereof as the council shall determine, may be defrayed by a special assessment upon lots and premises included in a special assessment district, to be constituted of the lands fronting on or adjoining that part of the street or alley so improved, or proposed so to be, or constituted of lands fronting upon such improvement and such other lands as in the opinion of the council may be benefited by the improvement.

Certain
improvements
to be paid from
highway fund.

SEC. 13. The expense of making any such public improvement in front of any property belonging to the city shall be paid out of the general highway fund: *Provided*, That the cost of all repairs and reconstruction of any public improvement shall be paid out of the proper general fund of the city.

Council to
have control
of sidewalks.

SEC. 14. The council shall have control, except as in this act otherwise provided, of all the sidewalks in the public streets and alleys of said city, and may prescribe the width and grade thereof, and change the same when necessary. It shall have power to construct and maintain sidewalks and crosswalks in the public streets and alleys, and charge the expense thereof upon the lots and premises adjacent to and abutting upon such walks.

Powers relative
to construction,
repair and ma-
terial used.

SEC. 15. The council shall have authority to require the owners and occupants of lots and premises to construct sidewalks in the public streets and alleys adjacent to and abutting upon such lots and premises, and to keep them in repair, and to construct and lay the same upon such lines and grades, and of such width and materials, and in such manner, and within such time, as the council shall by ordinance or resolution pre-

scribe. The council shall have power to prescribe the kind and material of which all sidewalks shall be constructed, to provide by ordinance limits or districts within which sidewalks shall be built of stone, concrete, cement or of other durable substances, aside from wood or plank.

SEC. 16. The council shall have power to require the owners and occupants of any lot or premises to remove snow and ice from the sidewalks, in front of or adjacent to such lots and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth and other nuisances.

Powers to
cause removal
of snow.

SEC. 17. If the owner or occupant of any lot or premises shall fail to construct, repair or maintain any sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same free from snow, ice and filth, or fail to remove and keep the same free from obstructions, encroachments, incumbrances or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalk, within such time and in such manner as the council shall require, said council may cause the same to be done at the expense of such owner or occupant, and the amount of all such expenses incurred by the council shall constitute a lien upon the lot or premises, from the time the expenses are so incurred, and may be assessed and collected against said lot or premises in such manner as the council shall by ordinance prescribe.

Proceedings
in case of
neglect.

Expenses
a lien on
property.

SEC. 18. When any such sidewalk shall have been constructed or repaired by the city, under the provisions of the preceding section, suit may be brought for the cost and expense thereof in the name of the city against the owner or occupant of such lot or premises, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action, a declaration upon the common counts for money paid shall be sufficient: *Provided*, That the bringing of such action shall not be deemed a waiver of the lien herein mentioned and of the right to enforce the same, as herein provided.

When suit may
be brought.

Proviso.

SEC. 19. If the owner, occupant or person in charge of any lot or premises shall neglect to repair any sidewalk in front of or adjacent to such premises, or to remove any snow or ice therefrom, or to keep the same free from obstruction and encumbrances in accordance with the requirements of the ordinances and regulations of the council, he shall be liable to the city for the amount of all damages, which shall be recovered against the city for any accident or injury occurring by reason of such neglect.

When owner
liable to city
for damages.

TITLE XV.

ISSUE OF BONDS.

SECTION 1. Whenever the council shall deem it necessary to issue the bonds of the city for any purpose, except as provided in title nine of this act, it shall so declare by resolution,

Council
to declare
amount.

specifying the amount of and purpose for which it is proposed to issue said bonds, when said bonds are to mature, and the rate of interest thereon and the time when and the place where an election will be held to authorize the issue of said bonds, which time shall not be less than twenty days from the adoption of said resolution.

Resolution to
be published.

SEC. 2. The council shall cause said resolution to be published in the official newspaper of said city each day for at least fourteen days, and copies thereof shall be posted in at least three public places in each voting precinct.

Inspectors of
election.

SEC. 3. The necessary inspectors and clerks of election shall be appointed in the manner provided for in this act. The votes cast at such election shall be by ballot, and the election shall be conducted and the votes canvassed and returns thereof made in the same manner, as near as may be, as other elections under this act. The ballots used at such elections shall bear upon their face the following: "For the issue of bonds — Yes," "For the issue of bonds — No."

Ballot, form of.

When bonds
may be issued.

Provision for
payment.

SEC. 4. Whenever the council shall be authorized by a vote of the electors of said city, as aforesaid, it may issue the bonds of said city for the amount so authorized, and provide for the payment of principal and interest thereon, and for that purpose shall assess, levy and collect on the assessed value of all the real and personal estate in said city made taxable by the laws of this State, taxes not to exceed in amount a sufficient sum to pay the interest accrued or to accrue, and the principal becoming due on said bonds for the year for which said taxes are levied.

How to be
numbered.

SEC. 5. All bonds issued under the provisions of this title shall be numbered consecutively, and in such manner as to distinguish them from bonds which may be issued under the provisions of title nine of this act.

Additional
places for
holding
election.

SEC. 6. Whenever the council shall deem it expedient, it may provide additional places for holding elections under the provisions of this title, and designate the districts thereof.

Bonds not to
exceed ten
per cent.

SEC. 7. The issue of bonds under the provisions of this title shall not at the time of issue of any part thereof, exceed in the aggregate ten per cent of the value of the assessable property in said city, as shown by the tax roll for the preceding year.

TITLE XVI.

PUBLIC IMPROVEMENTS AND WORKS.

Council to have
control of.

SECTION 1. The council shall have supervision and control of the construction and care of all public works and improvements within said city.

Who to make
estimates.

SEC. 2. Whenever the council shall have decided upon the making of any repairs or public improvements, it shall so declare by resolution, and shall recommend the kind of mate-

rials to be used, and shall cause estimates to be made of the quantity of such materials, and estimates in detail of the probable cost and expense of such improvements or repairs and of the materials to be used therein, and make a record of such estimates, and shall cause to be prepared so far as necessary plans and specifications of said improvement, which said estimates, plans and specifications shall be filed in the office of the city recorder; and where the estimated cost of such improvement exceeds the sum of two hundred dollars, the council shall advertise for proposals for the furnishing of materials and the performance of such work, and may require all bidders to furnish security for the performance of proposals tendered, if the bid be accepted, and also security for the performance of any contract awarded. All bids submitted to said council shall be publicly opened, and all contracts for the furnishing of such material or the performance of such work shall be let and made to the lowest responsible bidder who shall furnish security as aforesaid to the satisfaction of said council.

Council to
advertise for
proposals.

Bids to be
publicly
opened.
Lowest bidder.

SEC. 3. All contracts made by the council shall be in the name of the city of Muskegon, and after approval thereof as to form and phraseology, endorsed thereon by the city attorney, shall be executed by the mayor and recorder, and when made said council shall in behalf of the city have direction of the performance thereof. The council shall reserve the right in all contracts to determine all questions as to the proper performance of the same, and as to the completion of the work specified therein, and in case of improper delivery or imperfect performance thereof to suspend work, at any time, and to order the reconstruction of the same, if improperly done, to re-let the work covered by said contract, or any unfinished portion thereof, or by its employes to take possession, and complete the same at the expense of the contractor. It shall also have the right, and it shall be its duty by proper provisions in all contracts to retain an amount from the contract price sufficient to pay and discharge all debts, incurred by the contractor for labor performed or materials furnished, and upon the failure of the contractor to pay the same to make payments thereof to the parties entitled thereto, and charge the amount so expended to said contractor.

Form of
contract.

Rights
reserved

SEC. 4. The council shall from time to time cause to be made estimates of the amounts earned and payable upon any contract or work done and materials furnished, and upon the adoption of such estimates and without unreasonable delay order payment thereof from the proper funds of said city.

Estimates of
amounts
earned.

SEC. 5. The recorder shall keep in his office in some convenient and suitable place easy of access, a book called "A complaint book," in which any person may enter complaints concerning the lack of repair, or unsafe condition of any street, sidewalk, crosswalk, bridge or culvert within the city, which book shall be in such form and with such headings as will show as nearly as may be the location by streets or by lots and

Complaint
book.

blocks of any such defect, and the nature thereof. It shall be the duty of the recorder to enter in said "Complaint book," the complaint of any person so made.

Erection of
buildings and
issuing permits
therefor.

SEC. 6. It shall be the duty of the council to provide suitable regulations concerning the erection of buildings and the issuing of permits therefor, and to prevent the erection of any building within the limits of the city of Muskegon, or any addition to any existing building, without such permit having been first obtained. Before the issuing of any such permit the applicant therefor shall be required to file a bond or other security conditioned to indemnify the city against liability for damages which may ensue from the construction of said buildings or from the deposit of materials therefor in any of the public streets, alleys, or other public places. All permits thus issued shall be numbered consecutively and a record kept thereof in the office of and by the recorder of said city.

Applicant to
file bond.

Permits to be
numbered.

TITLE XVII.

FIRE DEPARTMENT.

Council have
control of.

SECTION 1. The council shall have the care and custody of all engine houses, fire engines and apparatus, horses, and hose implements, tools, bells, towers, fire alarm telegraph, and all property of every nature in use by the fire department of the city, and shall have power to organize and maintain the same, and prescribe all rules and regulations for the government of the same, and prescribe fines and penalties for the breach of the same.

When council
to appoint
officers of.

SEC. 2. The council shall annually on the first Monday in May or as soon thereafter as may be, appoint as many assistant engineers as may be deemed necessary, and fire wardens not to exceed one for each ward of the city, the proper number of firemen and hook and ladder men as said council may from time to time determine, all to hold their appointment during the pleasure of the council not exceeding one year unless re-appointed. The council shall when necessary prescribe and publish a system of rules and regulations for the government of said fire department.

Term of office.

Prescribe sys-
tem of rules.

Compensation,
how fixed.

SEC. 3. The council shall determine and fix the compensation of the chief engineer within the limitations contained in this act, and all other persons connected with the fire department of said city.

Council to
secure effi-
ciency in de-
partment.

SEC. 4. The council shall have power to organize said city into as many fire districts as it may deem necessary, to prescribe rules for the inspection of buildings by fire wardens, to control the cisterns and hydrants in use by said fire department, direct the manner in which the bells of the city shall be tolled or rung in case of fire or alarms of fire, and to establish and maintain efficient system of fire alarm telegraph, and such

other telegraphic or telephonic apparatus as may be necessary to secure the highest efficiency of the department.

SEC. 5. The council shall prescribe the duties of the chief engineer and other members of the fire department at fires, and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires; but in no case shall any member of said council, or any officer of the city control or direct the chief engineer or assistants during any fire. The council may provide for the removal and keeping away from fires of all idle, disorderly or suspicious persons and may confer powers for that purpose on the engineer, fire wardens, or other officers of the city. It shall require monthly reports from the chief engineer or other officers in charge of the department, of all fires, fire alarms, losses and insurance on all property destroyed and keep proper record thereof.

Who to prescribe duties of chief engineer and members of department.

Exception.

Power of council at fires.

Monthly report.

SEC. 6. The chief engineer, mayor, chief of police, any alderman, or officers of the fire department may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished, and in addition thereto he shall be punished in such manner as may be prescribed by the ordinances of the city.

Who may command aid at fires.

Punishment for disobedience.

SEC. 7. The engineer in charge of the department at any fire, with the concurrence of any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary in order to arrest the progress of the fire, and any person having an interest in the building so pulled down or destroyed shall before bringing suit apply to the council, within three months thereafter, for damages or compensation for such building, the council may in its discretion pay him such compensation as it may deem just; the council may ascertain such damage by agreement with the owner or person interested, or by the appraisal of a jury to be selected in the same manner as in case of taking private property for public use; and the council may cause the amount of any damages determined upon as aforesaid to be defrayed by special assessment upon the property which in its opinion was protected or benefited by the destruction of said building; but no damages shall be paid for the amount of any loss which would probably have occurred to such building if it had not been pulled down or otherwise destroyed.

Who may cause building to be pulled down.

Compensation therefor.

Damages, how may be paid.

When damages to be paid.

SEC. 8. The council may provide suitable compensation for any injuries which any fireman or employé of said department may receive to his person or property in consequence of the performance of his duties at any fire, as it may deem just.

Compensation for injuries to fireman.

TITLE XVIII.

WATER DEPARTMENT.

Power of, relative to water works.

SECTION 1. The city shall have power to establish, construct, maintain, regulate and keep in repair a system of water works, for the purpose of supplying said city and its inhabitants with water for municipal, domestic and other purposes, and it shall be the duty of the council to enact any and all ordinances necessary to carry into effect the power and authority conferred upon the board of public works relative to the water works of said city.

Who to have care and control of department.

SEC. 2. The council shall have the care, control, custody and management of all pumping houses, machinery, apparatus and property of every nature now or hereafter in use by the water department of said city, and the care, control and management of said department.

When council to appoint officers.

SEC. 3. The council shall annually, on the first Monday in May or as soon thereafter as may be, appoint as many and such assistant superintendents of the water department as in its judgment may be necessary to the efficient management of said department; one chief engineer and as many assistants as may be necessary, and such other officers, agents and servants as may be necessary for the proper management of said department; all of whom shall hold their positions during the pleasure of the council not exceeding one year, unless re-appointed. The council shall define the duties of all persons appointed to any position in said department or employed therein and, subject to the limitations contained in this act, shall fix and determine the compensation to be paid to them.

Council to fix compensation. Additional water supply.

SEC. 4. Whenever it may become necessary in the opinion of the council to procure any additional water supply for the city and its inhabitants for the purposes hereinbefore named from any source or sources within or without the limits of said city, the council shall determine the kind and quantity of power and machinery required therefor; the pipes, conduits, and reservoirs to be used and the manner and extent of distribution in said city; and subject to the limitations in this act provided, may contract for all necessary work and labor and for the purchase or manufacture of all necessary material therefor; purchase and lease lands, water rights, and other privileges or franchises necessary to provide such supply; cause pipes to be laid in the streets, alleys, and lanes and through the public places or grounds in said city. Said council may, in its discretion, establish, erect and maintain, fire and public hydrants, jets and fountains.

To determine machinery required for.

May contract for labor.

Lease lands, water rights.

Public hydrants, jets.

Water rates, by whom fixed and to whom paid.

SEC. 5. Said council shall fix and determine the rates to be paid by consumers of water, and the terms and conditions on which water shall be supplied by said department. Said rates shall be paid to the treasurer of said city, at such time or times,

according to the terms and conditions aforesaid, as the board may determine, and shall be credited by said treasurer to the water fund of said city. Said council shall make all needful rules and regulations for the government of said department and the guidance of its officers, agents and employes, and for the collection of water rates, the payment of which it shall be the duty of said council to enforce by cutting off supply to the consumers and by depriving such delinquent consumers of such supply from said department, until all arrearages of water rates shall be paid; or payment of such arrearages of water rates may be enforced by suit in the name of the city, in any court of competent jurisdiction. Said rules and regulations shall be published in convenient form for the use of said department, its officers, agents and employes.

Rules and regulations.

To be published.

TITLE XIX.

POLICE DEPARTMENT.

SECTION 1. The council shall have power, and it shall be its duty, annually on the first Monday in May in each year or as soon thereafter as may be, to appoint by ballot or otherwise one deputy chief of police, and as many policemen as it may deem necessary, and to fix and determine their compensation. Such officers shall continue in office at the pleasure of said board for a term not exceeding one year: *Provided*, That no member of the police force during his term of office shall be appointed deputy or under sheriff for the county of Muskegon. It may also appoint as many special policemen, with or without compensation, in time of emergency or apprehended danger, as it shall deem expedient. The council may also, on application of any person or corporation, showing the necessity thereof, appoint any number of special policemen, to do duty at any designated place or places within said city, at the charge and expense of the person or corporation by whom the application was made. Such special policemen shall perform duty only at the places designated, and shall continue in office at the pleasure of said board for a term not exceeding one year.

When and how council to appoint police.

Compensation.
Term of office.
Proviso.

Special policemen.

SEC. 2. Said officers shall have the same power as constables now have by law, except as to the service and return of process in civil cases, and shall be subject to the same liability, except as otherwise provided by law. They shall have power and authority to execute, serve and return all process for the enforcement of all ordinances of said city, and the provisions of this act, issued by any justice of the peace, by the mayor or presiding officer of the council, or by any committee of the council, and shall perform such other duties not inconsistent with this act as the council may by ordinance or otherwise prescribe.

To have same powers as constables.

Authority to serve process.

Council may dismiss officers.	SEC. 3. The council may, whenever it shall deem proper, dismiss from the department and from service any employé of said department, with or without charges or trial, and no dismissed person shall be entitled to any compensation after said dismissal, and the council may at pleasure change any member of the police department, except the chief of police, from one grade of service to another, and may change the amount of compensation of any member of the department, except the chief of police, at any time, and may suspend any member of the department with loss of pay for such time as it may fix.
May change grade of service, suspend, etc.	
Shall make rules relative to uniforms and badges for police.	SEC. 4. The council shall have the power and it shall be its duty to make all such rules and regulations for the government and discipline of said police department, as it may deem best to secure thoroughness and efficiency; it shall prescribe suitable uniforms and badges for the members of said department; it shall establish proper regulations for the care and management of such police stations as may be provided for the accommodation of the police force, for the lodging of vagrants and disorderly persons and for the temporary detention of persons suspected of crime, or arrested therefor. It shall purchase all supplies and materials needed for the use of the department. It may adopt such system of reports from members of the force to the chief, and from the chief to the council as it may think desirable. It shall prescribe the duties of the chief of police and of all regular and special policemen, in addition to those herein provided for, and shall provide for the preservation of the public peace, for the prevention of crime, for the arrest of all offenders against the peace and good order of the city, and of all persons violating the ordinances of said city. The members of such force shall have the power to suppress all riots, disturbances and breaches of the peace; to apprehend any and all persons in the act of committing any offense against the laws of this State or the ordinances of the city and all truants, vagrants and disorderly persons, and to take the offender forthwith before the proper court or magistrate to be dealt with according to law. It shall provide for the protection of the rights of persons and property, for the preservation of order at fires, and at all railroad depots and steamboat landings, and shall cause the enforcement of all ordinances of the city and laws of the State in regard to police and public health.
Stations.	
Supplies.	
Reports.	
Duties.	
Shall protect property.	
Enforce ordinances.	
Police not to receive gratuity.	SEC. 5. No member of the police force shall receive any fee, gratuity or compensation of any kind whatever for the performance of any duty imposed upon him by law, the ordinances of said city or the orders of his superior officers, except such compensation as may be authorized by the council, nor shall he receive any fee, gratuity or compensation as a consideration or inducement for remitting or delaying the performance of any duty pertaining to his office. Any person violating the provisions of this section shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprison-
Penalty for.	

ment in the State prison not more than three years, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

TITLE XX.

HEALTH DEPARTMENT.

SECTION 1. The council shall constitute the board of health for said city of Muskegon, and shall have and exercise all the power and authority conferred on boards of health by the general laws of this State, so far as the same are consistent with the provisions of this charter.

Council to constitute board of health.
Powers of.

SEC. 2. It shall be the duty of said board of health to adopt such rules and regulations for the preservation and protection of the health of the inhabitants of said city as in its judgment are deemed necessary.

Duty of council relative to health.

SEC. 3. If any cellar, vault, lot, private sewer or drain, place or premises within the city, shall be damp, unwholesome, offensive, or filthy, or be covered, during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, or be in a condition dangerous to public health, said board of health may cause the same to be drained, filled up, cleaned and purified, or require the owner or occupant, or person in charge of such lot, premises or place, to perform such duty; and may require the owner or occupant of any building, fence or structure, which may be ruinous or liable to fall and injure persons or property, to pull down or remove the same, or the said board of health may cause the same to be done by the police department of said city.

Cellars, vaults.

Dangerous structures.

SEC. 4. If any person, corporation or company shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council, for the protection of the health of the inhabitants of said city, and if any expense shall be incurred by the city in removing or abating such nuisance, or in causing such duty or requirement to be performed, such expense may be recovered by the city, in an action of assumpsit against said person, corporation or company; and in all cases where the city shall incur any expense for draining, filling, cleansing or purifying any lot, place or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises the council may, in addition to all other remedies provided for the recovery of such expense, charge the same or such part thereof as it shall deem proper, upon the lot or premises, upon or on account of which such expenses were so incurred, or for which such nuisance was removed and abated, and cause the same to be assessed against such lot or premises, and col-

City may recover expense of removing or abating nuisances.

lected as a special assessment in the same manner that other special assessments are collected, under the provisions of this act.

May purchase
lands and erect
hospitals.

SEC. 5. Subject to the limitations in this act provided, the council may purchase necessary lands and erect thereon or otherwise provide one or more hospitals within or without the city limits, which shall be under the charge and superintendence of said council as such board of health, and it shall be the duty of said council to provide for and appoint the necessary officers, attendants and employes for the care and management thereof, and for the care and treatment therein, of such sick and diseased persons as may be permitted by direction of the council to have the benefits thereof. The council may direct any person having any malignant, infectious or contagious disease to be removed to said hospital and there detained and treated when and so long as in its judgment the public safety may require; and it shall be the duty of the council to provide such restraints and punishments as shall be necessary to prevent any person, committed to such hospital for treatment for any malignant, infectious or contagious disease, from departing therefrom until discharged by said board of health.

Certain persons
to be removed
thereto.

To provide
necessary
restraints.

Funerals of
certain
persons.

Record of
death.

Burial permits.

SEC. 6. Said board of health shall make such regulations as it may deem necessary for the conduct of funerals of persons dying of any malignant, infectious or contagious disease and for the interment of the dead; it shall provide regulations for properly certifying and the recording of every death within the limits of the city, and for the record and certificate of the cause of death of any person, whose body may be brought within the limits of said city for interment, and to grant permits for the burial of the dead within said city and the cemeteries belonging to said city.

TITLE XXI.

CEMETERIES.

City may hold
cemeteries.

Prescribe
burials.

Purchase and
improve cem-
eteries.

SECTION 1. The city may acquire, hold and own such cemeteries or public burial place or places, either within or without the city limits, as in the opinion of the council shall be necessary for the public welfare. The council may prohibit the interment of the dead within the city, and limit such interment therein to such cemetery or burial place as it may prescribe, and may cause any body buried within the city in violation of any rule or ordinance made in reference thereto, to be taken up and buried elsewhere.

SEC. 2. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary to purchase cemetery grounds, and for the improvement, adornment, protection and care thereof.

SEC. 3. The council is hereby invested with and shall have all the power and authority that may be necessary for the care, management and preservation of such cemeteries or burial place and places, for tombs and improvements therein and appurtenances thereof. They shall direct the improvement and embellishment of the ground; they shall cause such grounds to be laid out into lots, avenues and walks; the lots to be numbered and the avenues and walks to be named, and plats thereof to be made and recorded in the office of said board. They shall make sales of all such lots, at such price as the council shall prescribe. The conveyance of burial rights within such lots shall be executed in behalf of the city by the recorder of said city, and shall be recorded in his office.

Who to have
care of.

Price of lots.
Who to issue
burial permits.

SEC. 4. The council shall appoint all necessary superintendents and employes for the cemeteries, and shall fix and determine the compensation to be paid to them. It shall expend the money provided for the care and management and improvement of the grounds, enforce the ordinances of the city made for the management and care thereof, and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city and the laws of the State.

Board to ap-
point superin-
tendent, fix
compensation,
expend money.

SEC. 5. All moneys raised for any public cemetery, authorized by this act, and all moneys received from the sale of lots therein or otherwise therefrom, shall be paid into the city treasury, and shall be denominated the cemetery fund. Said fund shall not be devoted nor applied to any other purpose except for the purposes of such cemeteries.

Cemetery fund.

How applied.

SEC. 6. The council may pass and enforce all ordinances necessary to carry into effect the provisions herein contained, and to control and regulate such cemeteries and burial places and the improvement thereof, and for the preservation and protection of the same, and of any other cemetery or burial place within said city, belonging to or under the control of any church, religious society, corporation, company or association, and for the protection and preservation of all tombs and monuments therein, and improvements thereof, and the appurtenances thereto, and to punish violations of the same, and all orders and regulations made by said board.

Council may
pass
ordinances.

TITLE XXII.

MISCELLANEOUS.

SECTION 1. The ordinances, rules and regulations of the city of Muskegon, and of the board of public works, under the former acts of incorporation, not inconsistent with the provisions of this act at the time this act shall take effect, are

Ordinances,
etc., continued
in force.

hereby continued in full force and effect until legally amended or repealed by the proper authorities of said city.

Duty of council
on the adoption
of this act.

SEC. 2. The council is hereby authorized to settle all accounts of the city, and to cause the books of account to be balanced, in such manner as to show the actual state and condition of each fund or account appearing thereon, and to cause to be done whatever else may be necessary to show the actual and existing standing and condition of the financial affairs of the city, and to cause all funds in the city treasury, on the adoption of this act, to be transferred to such funds mentioned in this act as in its judgment may be proper.

First election.

SEC. 3. The council is hereby authorized to make full provisions for the registration of electors and for holding the first election under this act in the several voting precincts of said city, but five days' notice of the first registration and election under this act shall be sufficient notice.

Acts repealed.

SEC. 4. All acts and parts of acts, relating to the incorporation of the city of Muskegon, except as otherwise ordered, are hereby repealed, saving and reserving however all rights and rights of action existing, and the right to prosecute and defend all suits, for or against the city of Muskegon, under the former act of incorporation thereof, and all taxes levied and uncollected, at the time this act shall take effect, shall be collected the same as if this act had not been passed.

Rights
reserved.

Officers holding
office when act
takes effect.

SEC. 5. All officers of the city, elected or appointed, under the provisions of the former act of incorporation of the city, and in office at the time this act shall take effect, shall continue to exercise their respective functions, under the provisions of this act, for the full term for which they were so elected or appointed.

In case of
appeal.

SEC. 6. Whenever an appeal shall be taken in any cause, in any court, or a writ of error issued in any suit brought by or against said city of Muskegon, it shall not be necessary, in order to perfect said appeal or to stay proceedings upon any judgment for the said city of Muskegon to execute any bond or other undertaking.

This act is ordered to take immediate effect.

Approved March 18, 1897.

[No. 365.]

AN ACT to amend the title and sections one and two of act number three hundred and ninety-one of the local acts of eighteen hundred and ninety-five relative to the care of persons sick with contagious diseases in St. Clair county, entitled "An act to make townships, cities and villages in St. Clair county primarily liable for the payment of all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health or incurred in preventing the spread of such diseases where said county is now primarily liable for such payment."

SECTION 1. *The People of the State of Michigan enact, That* the title and sections one and two of act number three hundred and ninety-one of the local acts of eighteen hundred and ninety-five, relative to the care of persons sick with contagious diseases in St. Clair county, entitled "An act to make townships, cities and villages in St. Clair county primarily liable for the payment of all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health, or incurred in preventing the spread of such diseases where said county is now primarily liable for such payment," be and the same is amended to read as follows: "An act to make townships and cities in St. Clair county primarily liable for the payment of all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, where said county is now primarily liable for such payment."

Sections amended.

To make townships and cities primarily liable.

SECTION 1. That hereafter, within the county of St. Clair, all claims incurred in the care of persons sick with contagious diseases or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, where said county is now primarily liable for the payment of the same, shall be charged to and paid by the township or city in which the same are incurred, when audited by the township board of the township, board of aldermen or common council of the city, and shall be paid by said township or city, as the case may be, except as hereinafter provided.

Claims incurred, who to pay.

Sec. 2. The board of supervisors of said county shall have power to audit and allow, and order paid by the county, any and all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, whenever in the opinion of a majority of the entire members of said board the township or city primarily liable for such

Powers of board of supervisors relative to claims incurred.

claims, as provided in section one of this act, should be relieved in part or in whole from the payment of the same.

This act is ordered to take immediate effect.

Approved March 18, 1897.

[No. 366.]

AN ACT to vacate the township of Chandler, in Charlevoix county, and attach the same to the township of Peaine, in said county.

Territory
vacated and
attached to
Peaine.

SECTION 1. *The People of the State of Michigan enact, That* the township of Chandler, in the Beaver Islands, and within the county of Charlevoix, be and the same is hereby disorganized and vacated, and the territory is hereby attached to the township of Peaine, in said county of Charlevoix.

What to become
property of
Peaine town-
ship.

SEC. 2. All books, papers, records and other property, formerly belonging to said township of Chandler, shall become the property of the township of Peaine, and shall be deposited in the office of the township clerk of said township of Peaine.

Obligations,
etc., assumed
by.

SEC. 3. All outstanding indebtedness of the said township of Chandler shall be assumed by and be made a charge against the consolidated township of Peaine, and said township of Peaine shall pay the same in like manner as other township indebtedness is paid.

Polling place.

SEC. 4. The polling place for the reorganized township of Peaine shall be in the village of St. James, in said township.

This act is ordered to take immediate effect.

Approved March 18, 1897.

[No. 367.]

AN ACT to amend section one of act number four hundred thirty of the local acts of eighteen hundred ninety-five, entitled "An act to authorize the city of Gladstone, in the county of Delta, and State of Michigan, to borrow money and issue the bonds of said city therefor, to be used in paying any judgment that may be rendered against said city in any cause now pending in any United States court."

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section one of act number four hundred thirty of the local acts of eighteen hundred ninety-five entitled "An act to authorize the city of Gladstone, in the county of Delta, and State

of Michigan, to borrow money and issue the bonds of said city therefor to be used in paying any judgment that may be rendered against said city in any cause now pending in any United States court be and the same is hereby amended to read as follows:

SECTION 1. That when any judgment shall be rendered against the city of Gladstone in any cause now pending in any United States court, the city council of said city of Gladstone is hereby authorized and empowered to borrow on the faith and credit of said city a sum of money not exceeding the sum of eighteen thousand dollars and only for the amount of any such judgment and interest thereon with costs of suit, for a term not exceeding twenty years from date of issue and at a rate of interest not exceeding six per cent per annum, payable semi-annually, and to execute the coupon bonds of said city therefor in such form as the city council shall determine, and to provide for payment of the same by tax upon all the taxable property in said city, said bonds to be due and payable when the city council shall direct, subject to the above provisions.

When may borrow money.

Amount.

Rate of interest.

Bonds.

This act is ordered to take immediate effect.

Approved March 18, 1897.

[No. 368.]

AN ACT to provide for an additional voting precinct in the township of Stephenson, county of Menominee, to be known as voting precinct number three.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory now embraced in the township of Stephenson, in the county of Menominee, to wit: Sections nineteen, thirty and thirty-one of town thirty-five north, range twenty-seven west; all of fractional town thirty-five north, range twenty-eight west; all of fractional town thirty-five north, range twenty-nine west; all of fractional town thirty-four north, range twenty-eight west; and all of fractional town thirty-four north, range twenty-nine west, shall constitute and be denominated as election precinct number three of said township.

Territory constituting election precinct number three.

SEC. 2. Ten days notice of the creation of election precinct number three shall be given by the board of inspectors of election hereinafter named, by posting written or printed notices of the same as required by law previous to holding the first election therein.

Notice of creation of precinct.

SEC. 3. The following named persons, to wit: Peter Gunderson, William Bagley and Joseph Bernheim, the same being qualified electors of the township of Stephenson, and residing

Who to be inspectors of election.

- within the territory embraced by election precinct number three, shall constitute the board of inspectors of election in said precinct at the first election held therein.
- Polling place.** SEC. 4. All qualified electors residing in election precinct number three as thus defined, shall cast their ballots at such a place within said precinct as the board of inspectors of election of said precinct shall determine as the polling place of said precinct number three.
- Registration of electors.** SEC. 5. There shall be a new registration of all the qualified electors residing within the territory of said precinct previous to the first election held therein. The township board of said township shall provide at the expense of said township a suitable register for such registration, in which shall be registered the names of the qualified electors residing in precinct number three, in the manner provided by law.
- Township to provide register.**
- Who to constitute board of registration.** SEC. 6. The inspectors of election provided for by section three of this act shall also constitute the board of registration in said precinct, and said board shall have and exercise the same power in respect to registering electors on election day as is conferred upon inspectors of election by existing laws, as well as all other powers conferred upon boards of inspectors of election under the general laws.
- This act is ordered to take immediate effect.
- Approved March 22, 1897.

[No. 369.]

AN ACT to amend section three of chapter one of act number three hundred and ninety-one of the local acts of eighteen hundred and ninety-three, being an act entitled "An act to revise and amend the charter of the city of St. Clair," approved May twentieth, eighteen hundred and ninety-three, so as to create a new ward in the city of St. Clair and to change the boundaries of the first and second wards therein, and to provide for the election of aldermen in wards one and three, and defining their terms of office; and also for the creating of boards of elections and registration in said city.

- Section amended.** SECTION 1. *The People of the State of Michigan enact, That* section three of chapter one of act number three hundred and ninety-one of the local acts of eighteen hundred and ninety-three being an act entitled "An act to revise and amend the charter of the city of St. Clair" approved May twentieth eighteen hundred and ninety-three be and the same is hereby amended so as to read as follows: That the following described territory situated in the county of St. Clair and State
- Boundaries described.**

of Michigan constituting the present city of St. Clair is hereby constituted and still declared to be a city by the name of the city of St. Clair, to wit: Commencing at the northeast corner of the south part of fractional section number twenty-nine (29) in township number five (5) north of range seventeen (17) east, thence west along the quarter section line across sections twenty-nine (29) and thirty (30) to the northwest corner of the south part of fractional section thirty (30) in said township and range, thence south on the west line of said section (30) thirty to the north line of private claim number three hundred and five (305), thence along the north line of said private claim westerly to the northwest corner thereof, thence along the west line of said private claim southerly to the southwest corner thereof, thence along the south line of said private claim easterly to the northwest corner of private claim three hundred and four (304), thence southerly along the west line of said private claim three hundred and four (304) to the northwest corner of out lot number fourteen (14), thence east along the north line of said out lot to the center of Pine river, thence along the center of Pine river up stream to the northeast corner of out lot number seventeen (17), thence easterly along the north line of out lots seventeen (17) and nineteen (19) to the center of the river St. Clair, thence along the center of the river St. Clair up stream to the place of beginning; also all that part of private claim number three hundred six (306) which lies north and east of the center of Pine river, and also the waters of Pine and St. Clair rivers within the above limits, and heretofore set off from the townships of St. Clair and China, and constituted the city of St. Clair, and by which name it shall still continue to be known.

SEC. 2. The said city shall be divided into three wards as follows, to wit: The first ward shall embrace all that portion of the city within the following described limits: All that part of the city lying north of a line commencing on the border of the St. Clair river, in the center of Thornapple street, thence west along said Thornapple street to the center of Ninth street, thence west in a direct line to the city limits. The second ward shall embrace all that portion of the city lying south of the south line of said first ward, and extending south to the center of Clinton avenue, and its extension the State road (so called), commencing at its intersection with the river St. Clair, and running west along said Clinton avenue and State road to the westerly city limits. The third ward shall embrace all that part of the city lying south of the south line of the second ward embraced within the territory hereinbefore named.

Division into
wards.
First.

Second ward.

Third ward.

SEC. 3. At the general city election held in the city of St. Clair on the first Monday in April eighteen hundred and ninety-seven there shall be elected in addition to the other ward officers two aldermen in the first ward, one for the term of one

Ward officers
and aldermen,
election and
term of office.

Proviso.

Registration
and election.

year, and one for the term of two years, and one alderman from the third ward, each of whom shall hold office for two years from and after the second Monday in April, and annually thereafter there shall be elected one alderman from each ward, who shall hold office for two years, and no term of office of any alderman or other ward officer shall be affected by the change herein made, except as may be provided under the provisions of section one of chapter six of act number two hundred and fifteen of the public act of eighteen hundred and ninety-five as may be hereafter amended, but all such aldermen and other officers shall, during the remainder of their term, continue in office and to represent the ward, including the place of his residence unless the office shall become vacant for some other cause. All the provisions in act number two hundred and fifteen of the session laws of eighteen hundred and ninety-five relating to registration and elections in new wards is hereby made applicable to registration and election held in said wards at the April election in eighteen hundred and ninety-seven.

This act is ordered to take immediate effect.

Approved March 22, 1897.

[No. 370.]

AN ACT to authorize the board of supervisors of Chippewa county to bond said county for the sum of forty thousand dollars for a period not to exceed fifteen years to pay an indebtedness to the State of Michigan, and other indebtedness already incurred.

Relative to in-
debtedness of
Chippewa
county.
Idem.

WHEREAS, The county of Chippewa is indebted to the State of Michigan in the sum of ten thousand dollars; and

WHEREAS, Said county is also indebted on divers and sundry orders issued under the authority of the board of supervisors to pay other indebtedness of said county, which said orders are past due.

Who authorized
to issue bonds.

Amount.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors for said county are authorized to issue bonds of Chippewa county to the amount of forty thousand dollars, for the purpose of refunding said indebtedness to the State and said other indebtedness past due.

Bonds, denom-
ination and rate
of interest.

SEC. 2. Said bonds shall be of such denomination as the board of supervisors shall direct, and shall be issued for a period not to exceed fifteen years, and shall bear interest at a rate not exceeding five per cent per annum.

This act is ordered to take immediate effect.

Approved March 22, 1897.

[No. 371.]

AN ACT to amend sections number one, three, seven, eleven, fourteen, seventeen, twenty, thirty, thirty-six, thirty-seven, sixty-three, seventy-five, eighty-two and ninety-seven of act number fifty-three of the session laws of eighteen hundred and fifty-nine, entitled "An act to incorporate the city of Battle Creek," approved February third, eighteen hundred and fifty-nine, as revised and amended by the several acts revisionary and amendatory thereof, approved April ninth, eighteen hundred and eighty-seven, and as amended by act number three hundred and eighty-four of the session laws of eighteen hundred and eighty-nine, approved May ninth, eighteen hundred and eighty-nine, and as amended by act number three hundred and thirty-one of the session laws of eighteen hundred and ninety-one, approved May twenty-second, eighteen hundred and ninety-one, and as amended by act number three hundred and twelve of the session laws of eighteen hundred and ninety-three, approved March twenty-second, eighteen hundred and ninety-three, and as amended by act number four hundred and eighteen of the session laws of eighteen hundred and ninety-five, approved May seventeenth, eighteen hundred and ninety-five.

SECTION 1. *The People of the State of Michigan enact, That* Sections
amended.
that sections one, three, seven, eleven, fourteen, seventeen, twenty, thirty, thirty-six, thirty-seven, sixty-three, seventy-five, eighty-two and ninety-seven of act number fifty-three of the session laws of eighteen hundred and fifty-nine, entitled "An act to incorporate the city of Battle Creek," approved February third, eighteen hundred and fifty-nine," as revised and amended by act number four hundred and twenty-eight of the session laws of eighteen hundred and eighty-seven, approved April ninth, eighteen hundred and eighty-seven, and as amended by act number three hundred and eighty-four of the session laws of eighteen hundred and eighty-nine, approved May ninth, eighteen hundred and eighty-nine, and as amended by act number three hundred and thirty-one of the session laws of eighteen hundred and ninety-one, approved May twenty-second, eighteen hundred and ninety-one, and as amended by act number three hundred and twelve of the session laws of eighteen hundred and ninety-three, approved March twenty-second, eighteen hundred and ninety-three, and as amended by act number four hundred and eighteen of the session laws of eighteen hundred and ninety-five, approved May seventeenth, eighteen hundred and ninety-five, be amended so that the same shall read as follows:

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That sections one and twelve, the east half of section two, and the east half of section eleven, in the township of Battle Creek, and all that part of sections thirteen (13), fourteen (14) and twenty-three (23) in said township of Battle Creek, described as follows, to wit.: Commencing at the northwest corner of section thirteen (13); thence east thirty-three feet; thence south and parallel with the section line four thousand four hundred and fifty (4,450) feet, (sixty-seven and forty-two one-hundredths chains); thence west sixty-six feet; thence south thirty-four (34) degrees west seventy (70) feet; thence south forty-seven and one-half ($47\frac{1}{2}$) degrees east three hundred and forty feet (340); thence south sixty-five degrees west three hundred and eighty feet (380); thence south forty-seven (47) degrees west five hundred and sixty-six (566) feet to the south line of section fourteen (14), said point being distant one thousand and eighty-six (1,086) feet west of the southeast corner of said section fourteen (14); thence west four hundred and sixty-five (465) feet; thence south forty-five (45) degrees west seven hundred and forty-six feet (746); thence south two hundred and forty (240) feet; thence west three hundred and sixty (360) feet to Gougac lake; thence north five degrees east three hundred and sixty (360) feet; thence east one hundred and sixty five (165) feet; thence north eleven degrees east two hundred and thirty-one (231) feet; thence north sixty (60) degrees east three hundred and sixty-three feet (363) to the north line of section twenty-three (23); thence north forty-three and one-half ($43\frac{1}{2}$) degrees east three hundred and four (304) feet; thence north eighty-seven (87) degrees east four hundred and sixty-two (462) feet; thence north twelve degrees east one hundred and seventy-five (175) feet; thence north seventy-one degree east four hundred and sixty (460) feet; thence south thirty (30) degrees east sixty-six (66) feet; thence north eighty (80) degrees east one hundred and sixty (160) feet; thence north fifty-three (53) degrees east two hundred and twenty-five (225) feet; thence south forty-five (45) degrees east one hundred feet; thence north forty-seven and one-half ($47\frac{1}{2}$) degrees east three hundred and thirty-two feet; thence north thirty-four (34) degrees east one hundred and fifty (150) feet; thence north one thousand four hundred and five (1,405) feet; thence south eighty-one (81) degrees and forty-seven (47) minutes west six hundred and seven (607) feet more or less to Goguac lake; thence northwesterly along the lake shore one hundred and fifty-eight (158) feet more or less; thence north forty (40) degrees and twenty-five (25) minutes east three hundred and twenty-two feet to the quarter section line of section fourteen (14); thence north eighty-nine and one-quarter ($89\frac{1}{4}$) degrees east along the quarter section line three hundred and thirty (330) feet; thence north one hundred and thirty-two (132) feet; thence east one hundred and thirty-two (132)

feet; thence north two thousand five hundred and twenty-two (2,522) feet to the section line; thence east thirty-three feet to the place of beginning; and sections six and seven, the west half of section five and the west half of section eight in the township of Emmet, in the county of Calhoun, be and the same are hereby set off from the said townships of Battle Creek and Emmet, respectively, and declared to be a city by the name of the "City of Battle Creek," by which name it shall hereafter be known.

SEC. 3. Said city shall be divided into five wards, as follows, to wit:

The first ward shall embrace all that portion of the city First ward. described as follows: Beginning at the intersection of Main and Jefferson streets, thence southeasterly along Main street to its intersection with the section line between section seven, town two south, range seven west, and section twelve, town two south, range eight west; thence south along the section lines between said sections seven and twelve, to the southeast corner of said section twelve, town two south of range eight west; thence west along the south lines of sections eleven and twelve, in town two south of range eight west, to a point thirty-three feet east of the southeast corner of said section eleven; thence south and parallel with the section line four thousand four hundred and fifty (4,450) feet, (sixty-seven and forty-two one hundredths chains); thence west sixty-six feet; thence south thirty-four (34) degrees west seventy (70) feet; thence south forty seven and one-half ($47\frac{1}{2}$) degrees east three hundred and forty feet (340); thence south sixty-five degrees west three hundred and eighty feet (380); thence south forty-seven (47) degrees west five hundred and sixty-six (566) feet to the south line of section fourteen (14), said point being distant one thousand and eighty-six (1,086) feet west of the southeast corner of said section fourteen (14); thence west four hundred and sixty-five (465) feet; thence south forty-five (45) degrees west seven hundred and forty-six feet (746); thence south two hundred and forty (240) feet; thence west three hundred and sixty (360) feet to Goguac lake; thence north five degrees east three hundred and sixty (360) feet; thence east one hundred and sixty-five (165) feet; thence north eleven degrees east two hundred and thirty-one (231) feet; thence north sixty (60) degrees east three hundred and sixty-three feet (363) to the north line of section twenty-three (23); thence north forty-three and one-half ($43\frac{1}{2}$) degrees east three hundred and four (304) feet; thence north eighty-seven (87) degrees east four hundred and sixty-two (462) feet; thence north twelve degrees east one hundred and seventy-five (175) feet; thence north seventy-one degrees east four hundred and sixty (460) feet; thence south thirty (30) degrees east sixty-six (66) feet; thence north eighty (80) degrees east one hundred and sixty

(160) feet; thence north fifty-three (53) degrees east two hundred and twenty-five (225) feet; thence south forty-five (45) degrees east one hundred feet; thence north forty-seven and one-half ($47\frac{1}{2}$) degrees east three hundred and thirty-two feet; thence north thirty-four (34) degrees east one hundred and fifty (150) feet; thence north one thousand four hundred and five (1,405) feet; thence south eighty-one (81) degrees and forty-seven minutes west six hundred and seven (607) feet more or less to Goguac lake; thence northwesterly along the lake shore one hundred and fifty-eight (158) feet more or less; thence north forty (40) degrees and twenty-five (25) minutes east three hundred and twenty-two feet to the quarter section line of section fourteen (14); thence north eighty-nine and one-quarter ($89\frac{1}{4}$) degrees east along the quarter section line three hundred and thirty (330) feet; thence north one hundred and thirty-two (132) feet; thence east one hundred and thirty-two (132) feet; thence north two thousand five hundred and twenty-two (2,522) feet to the section line; thence west to the southwest corner of the southeast quarter of said section eleven, town two south of range eight west; thence north along the north and south quarter lines of sections eleven and two, in said township two south of range eight west, to the center of the highway formerly called Reese road, and being an extension of Race street, as the same is laid down on the map of Meacham's addition to Battle Creek; thence southeasterly and along the center of the highway and along the center of said Race street as laid down on Meachem's addition to Battle Creek; thence southeasterly along the center of Race street to the intersection of Race and Jefferson streets; thence northeasterly along the center of Jefferson street to its intersection with Main street, to the place of beginning.

Second ward.

The second ward shall embrace all that portion of the city described as follows: Beginning at the intersection of Jefferson and West Canal streets, thence southwesterly along the center of Jefferson street to the intersection of Jefferson and Race streets; thence northwesterly along the center of Race street, as the same is laid down on the map of Meachem's addition to Battle Creek, and thence westerly along the center of the highway, the same being an extension of said Race street, to the north and south quarter line of section two, town two south, of range eight west; thence north on said north and south quarter line to the center of Main street; thence southeasterly along the center of said Main street to the intersection of said Main street and West Canal street; thence up and along the center of West Canal street to the place of beginning.

Third ward.

The third ward shall embrace all that portion of the city described as follows: Beginning at the intersection of the Battle Creek stream and the west line of said section seven, thence down and along the center of the Battle Creek stream

to its intersection with Jefferson street; thence southwesterly along the center of Jefferson street to the intersection of Jefferson and West Canal streets; thence northwesterly along the center of West Canal street to its intersection with Main street; thence northwesterly along the center of Main street to its intersection with the north and south quarter line of section two, town two south, of range eight west; thence north on said quarter line to the northwest corner of the northeast quarter of said section two; thence along the north line of sections one and two, in said town two south, of range eight west, to the northeast corner of said section one; thence south along the east line of said township two south, of range eight west, to the place of beginning.

The fourth ward shall embrace all that portion of the city Fourth ward. described as follows: Commencing at the point of intersection of the center of the Battle Creek stream with the west line of township two south, of range seven west, and running thence north along the west line of said township to the northwest corner thereof; thence running east along the north line of said township to the northeast corner of the west half of section five in said township two south, of range seven west; thence running south along the north and south quarter line of said section five to the south line of said section five; thence west on the south line of said section five and on the south line of section six in said township two south, of range seven west, to the center of the Battle Creek stream; thence down along the center of said Battle Creek stream to the place of beginning.

The fifth ward shall embrace all that portion of the city Fifth ward. described as follows: Beginning at the intersection of Main and Jefferson streets; thence southeasterly along Main street to its intersection with the section line between section seven, town two south, range seven west, and section twelve, town two south, range eight west; thence south along said section line to the southwest corner of said section seven; thence east along the south [lines] line of said sections seven and eight in said town two south, of range seven west, to the southeast corner of the southwest quarter of said section eight; thence north along the north and south quarter line of said section eight in said township two south, of range seven west, to the north line of said section eight; thence west along the north [lines] line of said section eight and of section seven in said township two south, of range seven west, to the point where said section line intersects the center line of the Battle Creek stream; thence down along the center of the Battle Creek stream to its intersection with the center of Jefferson street; thence southwesterly along the center of Jefferson street to its intersection with Main street, the place of beginning: *Provided*, That Proviso. whenever a street or water course is mentioned in this act as a boundary or division line, the center of said street or

Meetings of
board of regis-
tration, where
held.

Mayor to ap-
point certain
officers.

Assessors to
take oath of
office.

To give bonds.

Compensation.

Term of office.

Power of mayor
to remove
from office.

Power of coun-
cil to remove
treasurer or
constable.

Proviso.

Further
proviso.

water course shall be deemed to be the said line or boundary, unless otherwise designated or described. All meetings of the boards of registration of the several wards for the purpose of registration shall be held hereafter in the rooms of the common council of said city. Said boards of registration shall meet on the Friday and Saturday next preceding each election, and the chairman of the board of registration, or in his absence the board of registration may fill any vacancy by the appointment of any elector of the ward or voting precinct.

SEC. 7. The mayor shall have power, and it shall be his duty, on the third Monday of April in each year, or as soon as may be thereafter, subject to the approval of a majority of the aldermen elect, to appoint a city attorney, marshal, assistant marshal, who shall be *ex officio* deputy street commissioner, two assessors, and such other officers whose election or appointment is not herein especially provided for, as said common council may deem necessary to carry into effect the powers granted by this act. Said assessors shall be freeholders of said city, and shall each take the oath of office required of other city officers and shall each give a bond in the penal sum of five hundred dollars for the faithful performance of his duties, with sureties to be approved by the mayor, one of said assessors to be designated by the mayor, shall be *ex officio* a member of the board of supervisors of of the county of Calhoun, and each assessor shall receive for each day's service rendered to said city, such compensation as the common council may determine. Said assessors shall do and perform such work as the supervisor may direct and render him such assistance as he may require and the common council may direct. Each of said officers so appointed shall hold office one year and until his successor shall be appointed and duly qualified. And the mayor, with the consent of a majority of all the aldermen elect, shall have power to remove any of said officers at pleasure. The common council shall also have power to remove the treasurer or any constable of said city for any violation of the provisions of this act, or of any amendment thereof, or of any by-law or ordinance, or for neglecting or refusing to perform the lawful requirements of said common council, in a manner to be provided by the by-laws or ordinances of said city; and in case of such removal, or in case of the death, resignation, or neglect to qualify, or removal from the city, or from the ward in and for which he was elected, of any officer of the corporation or ward, except justices of the peace, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of his term of office: *Provided*, Such appointment shall not extend beyond the next annual election of said city, and until his successor shall be duly elected and qualified. All officers so appointed shall be notified and qualified as herein provided: *Provided further*, That the common council may at any time order a special election to fill vacancies in any office

which is elective under this act, and they shall designate the time and place of holding the same, and the same notice shall be given as for an annual election, stating the office or offices to be filled; and any person so elected shall hold and serve for the remainder of the term of said office. Members of the council or other officers of the city shall not be interested, directly or indirectly, as principal, surety, or otherwise, in the fulfillment of any contract, job, work, claim or services other than official services rendered to the city, the compensation for which is to be paid out of the city treasury. But this shall not be construed as prohibiting any member of the council or other city officer from selling goods to the city in the open market and in competition with others dealing in the same kind of goods, or from receiving compensation for any services rendered to the city.

Not to be interested in contracts.

Not to prohibit members, etc., from selling goods to the city in the open market.

SEC. 11. The common council, in addition to the powers and duties especially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and grounds, and all property, real and personal, belonging to the city, and may make such ordinances and by-laws relating to the same as they shall deem necessary and proper; and, further, they shall have power to enact, make, continue, establish, modify, amend, and repeal such ordinances, by-laws and regulations as they deem desirable within said city, for the following purposes:—

Common council, powers and duty.

First, To prevent vice and immorality; to preserve the public peace and good order; to regulate the police of the city; to prohibit, prevent, and quell riots, disturbances, disorderly noises, or assemblages in the streets, or elsewhere in said city;

Vice and immorality.

Second, To prohibit, prevent, and restrain disorderly and gaming houses; to destroy all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard and pool tables and bowling alleys;

Disorderly houses.

Third, To prohibit, restrain, or prevent persons from gaming for money or other valuable thing with cards, dice, billiards, nine or ten-pin alleys, tables, ball-alleys, wheels of fortune, boxes, machines or other instruments or devices whatsoever, in any grocery, store, shop, or in any other place in said city; to punish the persons keeping the building, place, instruments, devices, or means for such gaming, and to provide for the destruction of the same;

Gaming.

Fourth, To prohibit, prevent and suppress all lotteries for drawing or disposing of money, property or valuable thing whatsoever, and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, direction, or management thereof;

To suppress lotteries.

Fifth, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks, in violation of the laws of this State, and to forbid the selling or giving to be drank any intoxicating liquors to any minor or drunkard;

Intoxicating liquors.

Nuisances.

Sixth, To prohibit, prevent, abate, or remove nuisances of every kind, and to declare what shall be considered nuisances, and to compel the owner or occupant of any grocery, provision store, tallow-candler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove, or abate the same from time to time, as often as they may deem necessary for the health, comfort, and convenience of said city;

Slaughter houses, storing gunpowder, etc.

Seventh, To direct the location of all slaughter-houses, markets, and buildings for storing gunpowder or other combustible or explosive substances; also to make regulations concerning the buying, carrying, selling, keeping, and using gunpowder, fire-crackers, or fireworks, manufactured or prepared therefrom, or other combustible, explosive, or dangerous articles, and the exhibition of fire-works, and the discharge of cannon or fire-arms, and the use and kind of lights or lamps to be used in barns, stables, and all buildings, cellars and establishments usually regarded as extra hazardous in respect to fire, and to regulate, restrain, or prevent the making of bonfires in streets, lanes, alleys, yards, or public places;

Encumbering streets.

Eighth, To prevent the cumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges, or aqueducts in any manner whatever, and to remove any obstruction therefrom; to regulate or prevent the exhibition of signs on canvas or otherwise in or upon any vehicle standing or traveling upon the streets of said city, or held or carried by any person; to control, prescribe or regulate the mode of constructing and suspending awnings, and the exhibition and suspension of signs; to control, prescribe, and regulate the manner in which the streets, lanes, avenues, alleys, public grounds and spaces within said city, shall be used, and to establish the grades thereof, and to provide for the preservation of, and the prevention of wilful injury to the gutters in said streets, lanes, avenues, and alleys; to direct and regulate the planting, and to provide for the protection and preservation of ornamental trees therein;

Hitching of horses.

Ninth, To require any horse, horses, mules, or other animals attached to any vehicle, or standing in any of the streets, lanes, alleys, or public grounds or places in said city, to be securely fastened, held, or watched; and to prohibit the hitching or standing of horses, mules and other animals whether attached to vehicles or not, in such streets and public places as the common council may prescribe; and to prevent and punish horse-racing and immoderate driving or riding in any street, lane or alley, and to authorize the stopping and detaining any person who shall be guilty of any immoderate riding or driving in any street, lane or alley.

Railroads, routes, grades.

Tenth, To determine and designate the route and grade of any railroad to be laid or constructed in said city, and to regulate the use and speed of locomotives, engines, and cars upon the railroads within said city, and to compel the railroad com-

panies, their officers, agents, managers, and employés to station flagmen at street crossings, and to prescribe the length of time that engines or cars may stand on said streets or otherwise obstruct them, or to prohibit the same, and to make such other rules or regulations concerning the same as to secure the safety of the citizens or other persons;

Eleventh, To restrain and punish drunkards, vagrants, mendicants, and street beggars soliciting alms or subscriptions for any purpose whatever. Drunkards,
vagrants.

Twelfth, To regulate or prohibit bathing in any public water, to provide for clearing the rivers, ponds, and streams in said city, and the races and canals connected therewith, of all driftwood and noxious matter, and to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome, and offensive, or drawing the water therefrom at such times and to such an extent as to make localities near them unhealthy, or to cause the atmosphere in their vicinity to be unwholesome or offensive; Bathing.

Thirteenth, To establish and regulate one or more pounds, and to prevent the running at large of horses, cattle, swine, and other animals, geese, and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding; Pounds.

Fourteenth, To prohibit and prevent the running at large of dogs, to require them to be muzzled, and to authorize their being killed when running at large in violation of any ordinance of the common council, and to prohibit any person from placing, exposing, or administering any poison to any dog or other animal not his own, and to punish such person for so doing; Dogs.

Fifteenth, To prohibit any person from bringing into or depositing in said city any dead carcass or other unwholesome or offensive substances, and to require the removal or destruction of the same; and if any person shall have on his premises such substances, or any putrid meats, fish, hides, or skins of any kind, and shall neglect or refuse to authorize the removal or destruction of the same, the same may be done by some officer of said city; Dead car-
casses.

Sixteenth, To compel all persons to keep sidewalks in front of or adjoining premises owned or occupied by them clear from snow, ice, dirt, wood, or obstructions; Sidewalks.

Seventeenth, To prevent or regulate the ringing of bells and the crying of goods and other commodities, or other disturbing noises on the streets, lanes, or alleys, or in any public place, or on or in private property adjacent thereto; Ringing of
bells.

Eighteenth, To prescribe the powers and duties of the policemen and watchmen, and to impose fines and penalties for their delinquencies, and to require them to be uniformed, and to fix their compensation; Policemen and
watchmen.

- Building lines.** *Nineteenth,* To regulate and establish the line upon which buildings may be erected upon any street, lane, or alley in said city, and to prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner or builder violating this provision, not to exceed five hundred dollars;
- Burials.** *Twentieth,* To regulate all grave-yards in the city and the burial of the dead;
- Markets.** *Twenty-first,* To regulate the markets, the vending of hay, wood, meats, vegetables, fruit, fish, grain, and provisions of all kinds, and of other goods or property in the streets, lanes, alleys or public places in said city, and to prescribe the places for selling the same;
- Reservoirs.** *Twenty-second,* To establish, regulate, and preserve public reservoirs, wells, and pumps, and to prevent the waste of water; and also to construct reservoirs and wells, and to provide water and water-works for the extinguishment of fires and for other purposes;
- Hacks, drays.** *Twenty-third,* To prescribe rules to govern and to license carmen and their carts, draymen and their drays, hackney carriages and their drivers, scavengers, porters, and chimney sweeps, and their fees and compensation, and the fees to be paid by them into the city treasury for license; to prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts and carters, drays, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay, produce, and other property exposed for sale in said city;
- Solicitors for passengers.** *Twenty-fourth,* To regulate the soliciting of guests for hotels or other places, and passengers and others to ride upon any railroad, boat, street-car, omnibus, or stage;
- Lighting streets.** *Twenty-fifth,* To regulate the lighting of streets, alleys, and public places, and the protection and safety of the public lamps, and to employ a suitable person to superintend the same, to prescribe his duties, and to fix his compensation therefor;
- Hawking, peddling.** *Twenty-sixth,* To regulate, restrain, or prevent hawking and peddling in the streets, lanes, alleys, and public places, and to regulate pawnbrokers;
- Duties of certain officers.** *Twenty-seventh,* To prescribe the duties of all officers appointed by the mayor, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not herein or otherwise provided for by law;
- Filling low grounds.** *Twenty-eighth,* To fill up, level or drain any lot or premises whenever the common council shall deem it necessary to abate, prevent, or remove any nuisance, and to assess the cost and expenses thereof on said lot or premises, or on the district to

be benefited thereby, in the same manner as other special assessments may be made, enforced, and collected;

Twenty-ninth, To fix and regulate the fees of sheriffs, constables, jurors, and witnesses in any proceeding under this act, or under any ordinance of the common council, in cases not herein or otherwise fixed or regulated by law; Fees of sheriffs, constables, jurors.

Thirtieth, To provide for public parks and squares, either within or without said city, and to take and hold real estate both within and without the limits of said city for that purpose, and to make, grade, improve, and adorn the same, and all grounds belonging to or under the control of said city, and to control and regulate the same consistently with the purposes and objects thereof; Public parks.

Thirty-first, To sell or otherwise provide for disposing of all dirt, filth, manure, cleanings, lying in or gathered from streets, avenues, lanes, alleys, and public spaces, and all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving, or otherwise improving the same; Disposing of dirt, filth.

Thirty-second, To provide for and regulate the lighting of public lamps and the erection of lamps and lamp-posts, and suitable hitching-posts; to regulate the erection and maintenance within the streets of said city of poles and wires for telegraph, telephone, electric light, and other purposes; Regulating lighting, erecting poles.

Thirty-third, To preserve quiet and order in the streets and other public places in said city, at the arrival and departure of railroad trains, and to prescribe and regulate the manner and places in which drivers, porters, runners, solicitors, agents and baggage collectors for hotels or public houses or places of public resort, or express companies, draymen, cabmen, cartmen, hackmen, omnibus-drivers, and solicitors for passengers or baggage, with their drays, carts, cabs, carriages, sleighs, or other vehicles shall stand, and to prohibit or prevent them from entering or driving within any railroad depot to solicit passengers or baggage; To preserve order.

Thirty-fourth, To prohibit and prevent in the streets and elsewhere in said city any lewd and lascivious behavior or indecent exposure of the person, the show, sale, or exhibition for sale, of any indecent or obscene pictures, drawings, engravings, paintings, books, or devices, or any written or printed paper or other thing containing obscene, opprobrious, scurrilous, scandalous, libelous, or defamatory matter, and all indecent or obscene exhibitions and shows of any kind; Indecent behavior.

Thirty-fifth, When and as warranted in so doing by the votes of the electors, as provided by the law, to establish and provide for the continuation, keeping up, and in perfect operation a good and efficient system of water-works to supply the city and its inhabitants with wholesome water from such sources as selected, whether situated within or without the city limits; Water system.

Bridges, sewers
and drains.

Thirty-sixth, To establish, construct, maintain, repair, enlarge, and discontinue within the streets, avenues, lanes, alleys, and public places of said city, such bridges, culverts, sewers, drains, and lateral drains and sewers as the common council may see fit with a view to the proper drainage and sewerage of said city; to compel the owners or occupants of all occupied lots, premises, and subdivisions thereof within said city to construct private drains and sewers therefrom to connect with some public sewer or drain; said private drains and sewers shall be constructed in such manner and of such form and dimensions, and under such regulations as shall be prescribed;

To establish
boundaries,
prevent en-
croachments.

Thirty-seventh, To survey and establish the boundaries of the city, and of all streets, avenues, lanes, alleys, public parks, grounds, squares, and spaces in said city; to prevent and remove all encumbrances and encroachments upon the same by buildings, fences, or in any other manner, and to number the buildings, and to assess and collect the expense of such numbering of the owner or occupant;

Preservation
of health.

Thirty-eighth, To provide for the preservation of the general health of the inhabitants of said city; to make regulations to secure the same; to prevent the introduction or spreading of contagious or infectious diseases; to prevent and suppress the causes of diseases generally, and if deemed necessary to establish a board of health, and prescribe and regulate its powers and duties;

Disorderly
houses.

Thirty-ninth, To prohibit, prevent, and suppress the keeping of houses of ill-fame or assignation, or for the resort of common prostitutes, disorderly houses, and disorderly groceries; to restrain, suppress, and punish the keepers thereof and of persons found therein; to punish and restrain common prostitutes, vagrants, and drunken and disorderly persons; to prohibit, prevent, and suppress mock auctions and every kind of fraudulent game, device, or practice, and to punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management, use and practice thereof;

Unsound
meats.

Fortieth, To prohibit, prevent, and suppress the sale of every kind of unsound, nauseous, or unwholesome meat, poultry, fish, vegetables, or other articles of food and provisions, and to punish all persons who shall knowingly sell the same, or offer or keep the same for sale;

Violations of
the Sabbath.

Forty-first, To prevent the violation of the Sabbath and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose;

Security
against fire,
thieves, rob-
bers.

Forty-second, To secure said city and its inhabitants against injuries by fire, thieves, robbers, burglars, and other persons violating the public peace;

Construction of
cellars, private
sewers.

Forty-third, To direct and regulate the construction of cellars, slips, barns, private drains, private sewer pipes and flx-

tures, cess-pools, sinks and drains; to compel the owner or occupant to fill up, remove, drain, cleanse, alter, relay, or repair the same;

Forty-fourth, To prohibit and prevent within certain limits or districts in said city, to be determined by the common council, the location or construction of buildings for storing gunpowder, powder factories, tanneries, distilleries, buildings for the manufacture of turpentine, camphene, and dangerous or explosive substances, slaughter-houses and yards, butchering shops, soap, candle, starch, and glue factories, establishments for steaming or rendering lard, tallow, offal, and such other substances as can be rendered into tallow, lard or oil, and all establishments where any nauseous, offensive, or unwholesome business may be carried on; and such buildings, factories, shops, and establishments as aforesaid, now or hereafter to be constructed in said city, together with blacksmith shops, foundries, cooper-shops, steam-boiler factories, carpenter shops, planing establishments, breweries, and all buildings or establishments usually regarded as extra-hazardous in respect to fire, shall be subject to such regulations in relation to their construction and management as the common council may make with a view to the protection from injury by fire, or of the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances;

Limiting the building, for storing explosives.

Forty-fifth, To prescribe, from time to time, limits or districts within said city, within which wooden buildings and structures shall not be erected, placed or enlarged, and to direct the manner of constructing and repairing buildings within such limits or districts, and the material of which the outer walls and roofs shall be constructed and repaired with respect to protection against fire; to prohibit and prevent the removal of wooden or frame buildings from any place without or within such limits to any lot or place within such limits or districts;

Fire limits.

Forty-sixth, To regulate or prohibit within such limits or districts the location of shops, the prosecution of any trade or business, the keeping of lumber-yards, the erection of gas works and the storing of lumber, wood, or other easily inflammable material in other places, when, in the opinion of the common council, the danger from fire is increased; and every building or structure which may be erected, placed, or enlarged or kept in violation of any ordinance or regulation of the common council made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by direction of the common council;

Regulating the locating of shops, lumber yards.

Forty-seventh, To regulate the construction of division or partition fences, and of partition and parapet walls, the walls of buildings and their thickness; to regulate the construction of chimneys, hearths, fire-places, fire arches, ovens, and the

Partition fences, walls.

putting up of stoves, stove-pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys and chimney-flues; to compel and regulate the cleaning thereof, and to fix the fees therefor; to compel and regulate the construction of ash-houses or depositories for ashes; to compel the owners of houses and other buildings to have scuttles in the roofs thereof, and steps or ladders leading to the same; to authorize and empower the proper officers to enter into all buildings and enclosures to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition, and to punish any person for neglecting or refusing so to do; to authorize any of the officers of the city to keep all idle or suspicious persons away from the vicinity of fires, and to compel all officers of the city and other persons to aid in the extinguishment of fires, and in the preservation of property exposed to danger therefrom;

Fire department.

Forty-eighth, To establish, regulate and maintain a fire department, and to provide for the prevention and extinguishment of fires; to establish, organize, regulate, and maintain all such fire-engines, hook and ladder, and hose and bucket companies as may be deemed necessary; to provide such companies with necessary and proper buildings, engines, and other implements and things necessary to prevent and extinguish fires; to appoint from among the inhabitants of said city such number of men willing to accept, as may be deemed necessary and proper to be employed as firemen, not exceeding one hundred for each company; and such fire, hose, and hook and ladder companies, shall each have the power to elect their own officers, except chief and assistant chief engineer, and to pass by-laws for the organization and government of their respective companies: *Provided, however*, That the common council may also adopt rules for the organization and government of said companies, which shall take precedence over the by-laws of said companies. The common council shall appoint a chief and assistant chief engineer. Every person belonging to any of said companies may obtain from the recorder a certificate of such membership, which shall be evidence thereof; and the members of any such company, during their continuance as such, shall be exempt from all duty in the militia in time of peace, and also from serving on any jury in any of the courts of this State, or payment of poll-tax; and it shall be the duty of each of said companies to take reasonable care of the fire-engines, hose-carts, hose, ladders, buckets, and other instruments and things used by said companies respectively, and in no case by wrongful act or neglect doing or permitting injury thereto; and upon any alarm or breaking out of any fire within said city, each company shall forthwith assemble at the place of said fire

Proviso.

with the engine or other implements of each of said companies, and be subject to the orders of the chief engineer of the fire department; and it shall be the duty of each of said companies to assemble once in each month, or as often as may be directed by the common council, for the purpose of working or examining said engines and other implements with a view to their perfect order and repair, and for practice;

Forty-ninth, To license and regulate solicitors of passengers or baggage for the benefit of any hotel, tavern, public house, boat, private house, railroad, or other place; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every description used and employed for hire, and to fix and regulate the amount and rates of their compensation; Soliciting passengers.

Fiftieth, To license and regulate auctioneers, hawkers, peddlers, and pawnbrokers, and to regulate auctions, hawking, peddling, and pawn brokerage; to license and regulate the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise, goods, and other property whatsoever, by hand, hand cart, show case, show stand, or otherwise, in the public streets, lanes, alleys, and public places; Licensing auctioneers, peddlers, pawnbrokers.

Fifty-first, To prohibit, and prevent, or license and regulate, the public exhibition by persons or companies of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind; and to license and regulate halls, opera-houses, rinks, and other places of public amusement; Public exhibitions.

Fifty-second, To regulate the keeping of hotels, taverns, and other public houses, groceries, ordinaries, saloons, and victualing and other houses or places for furnishing meals, food, or drink; to regulate butchers; to license, regulate, or suppress hucksters; to regulate the keepers of shops, stalls, booths, or stands at markets or any other place in said city for the sale of any kind of meat, fish, poultry, vegetables, food, and provisions; to regulate the measuring of wood, weighing of hay, and gauging articles to be measured, inspected, weighed, and gauged; To regulate public houses, shops, stalls.

Fifty-third, To provide for taking a census of the inhabitants of the city whenever the common council may see fit, and to direct and regulate the same; Census.

Fifty-fourth, To provide for the imprisonment and confinement in said prisons, work-houses, and houses of correction, or in the common jail of Calhoun county, at hard labor or otherwise, all persons liable to be imprisoned under this act or any ordinance of the common council, whenever convicted of a violation thereof, by any court having jurisdiction of the same; Providing for imprisonment.

To punish
violators of
ordinances.

Fifty-fifth, To provide for the punishment of all offenders for violation of, or offenses against, this act or any ordinance of the common council enacted under this or any other act of the Legislature by holding to bail for good behavior, by imposing fines, penalties, forfeitures, and costs, or by imprisonment in the common jail of Calhoun county, or any prison, work-house, or house of correction in said city, or the State house of correction at Ionia, in the discretion of the court or magistrate before whom a conviction may be had. If only a fine, penalty, or forfeiture, with the costs, be imposed, the offender may be sentenced to be imprisoned until the payment thereof for a term not exceeding six months. All punishment for offenses against the ordinances of the common council shall be prescribed in the ordinances creating or specifying the offense to be punished, and no penalty, fine, or forfeiture so prescribed shall exceed five hundred dollars, and no imprisonment shall exceed the period of six months;

To provide
work for pris-
oners.

Fifty-sixth, To provide for the employment of all persons confined for the non-payment of any fine, penalty, forfeiture, or costs, or for any offense under this act, or any ordinance of the common council, in the common jail of Calhoun county, or in any prison, work-house, or house of correction of said city, at work or labor, either within or without the same, or upon the streets, lanes, alleys, or public grounds of said city, or on any public work under the control of the common council; to allow any person so confined for the nonpayment of any fine, penalty, forfeiture or costs, to pay and discharge the same by such work or labor, and to fix the value and rates of such work and labor;

Licenses, to
authorize the
granting of.

Fifty-seventh, To authorize the granting, issuing, and revoking of licenses in all cases where licenses may be granted and issued under this act and the ordinances of the common council; to direct the manner of issuing and registering the same, and by what officer they shall be issued and revoked, and to prescribe the amount of money to be paid therefor to the city treasurer, but no license shall be granted for more than one year;

Printing and
publishing.

Fifty-eighth, To provide for printing and publishing all matters required to be printed and published under this act, or by order of the common council, in such manner as the common council may prescribe;

Power to pur-
chase and hold
real estate.

Fifty-ninth, The common council shall have power, by the vote of two-thirds of all the aldermen elect, to purchase, hold, or sell real estate for the use of said city, for corporate, park, or cemetery purposes, either within or without the corporate limits of said city, and to have and exercise the same power and control over the same as though the same was within the limits of said city;

To erect
buildings.

Sixtieth, To erect and provide for the erection of all needful buildings and offices for the use of the city or of its officers,

and to control and regulate the same; to establish and build prisons, work-houses, and houses of correction for the confinement of offenders, and to control and regulate the same;

Sixty-first, To prohibit all practices, amusements, and doings in said streets, lanes, alleys, public places, parks and grounds, having a tendency to frighten teams and horses, or dangerous to life, limb, or property; to remove or cause to be removed therefrom all wells and structures that may be liable to fall, so as to endanger life, limb, or property;

To prohibit practices or amusements liable to frighten teams.

Sixty-second, To prohibit, restrain, or regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law, and to fix the fee to be paid by auctioneers;

To regulate sales at auction.

Sixty-third, To compel all railroad and railway and street car lines within said city to construct and maintain all proper and necessary drains, culverts and sewers upon and across their rights of way, tracks and grounds, and to compel them to pay for the same;

To compel railroads, etc., to construct drains.

Sixty-fourth, To clean and keep any streets, lanes, sidewalks, and crosswalks free from dirt, snow, ice, or other obstructions at the expense of said city by a vote of two-thirds of all the aldermen elect voting in favor of the same, and to provide for doing the same by by-law, resolution, or ordinance;

Cleaning streets.

Sixty-fifth, To fill up, level, or drain, or cause to be filled up, leveled, or drained, places or property which may be, or may be deemed unhealthy from the want thereof, and to regulate the construction and maintenance of private sewers, drains and cess-pools;

To fill up and drain low places.

Sixty-sixth, To prohibit children and minors from being abroad at night except by permission of their parents or guardians;

Prohibiting minor children being out at night.

Sixty-seventh, To prohibit the sale of cigarettes and tobacco to minors without the permission of their parents or guardians;

Prohibiting the selling of cigarettes and tobacco to minors.

Sixty-eighth, To prohibit and prevent minors from frequenting or remaining in or about any saloon or other place where spirituous and intoxicating liquors are sold, or in any billiard room, bowling alley, or other place where games of skill or chance, or partly of skill and partly of chance, are being played, or in any place where any form of gaming is carried on.

Prohibiting minors from frequenting saloons.

Sixty-ninth, The common council, in addition to the other powers in this charter granted, shall have the power and authority to establish and maintain a city infirmary and hospital, for treating and caring for the indigent sick of said city, and shall have the power to make all necessary contracts and agreements for the benefit of the city in such treating and caring for such indigent sick persons, and in case there shall be no public hospital or infirmary, the said common council may contract for the care, maintenance and treatment of such

May contract for care of city patients.

indigent sick with such person or persons as they may deem proper; and for the above purposes the said common council may appropriate such sum of money as they may deem proper; *Provided*, That not more than two thousand dollars in all shall be appropriated for such purposes in any one year.

Water works,
sewers.

SEC. 14. If the common council shall at any time decide to construct new or additional water works, or to enlarge or extend those in process of construction, or shall decide to construct or enlarge or extend any sewer or sewers, it shall be the duty of the board of public works, on a resolution of the common council therefor, to submit to the latter suitable and expedient plans with the requisite specifications, diagrams and plain and accurate estimates therefor. The common council, upon its approval of said plans, specifications, estimates, and diagrams, shall, by resolution, direct the board of public works to provide all things necessary, and proceed to the said work by itself; and in that case said board shall go on and comply with said directions, and in such manner as will be most for the interest of the city: *Provided*, That ordinary extension of water mains may be made without the submission of diagrams, plans and specifications to the board; and it shall be the duty of the latter to carry out said resolution without unnecessary delay: *Provided*, That the common council may in such resolution direct the board of public works to provide materials and construct any portion of said work, and to contract as above for the finding of materials for and constructing other portions of such work as the common council may direct: *Provided, further, however*, That in case of any bidding, as aforesaid, when the board shall be satisfied that collusion has existed between bidders, or between bidders and others, or that any other practice has occurred against the interest of the city, or that a present letting is not advisable, it shall be competent for the board to cancel the offer for bids and no such cancellation shall bring any liability on the city or on the board.

Proviso.

Further
proviso.

Plans and
specifications
for sewers.

SEC. 17. Whenever said board shall be directed to submit plans for sewers or drains to said common council, they shall cause to be prepared by some competent engineer a plat of so much of said city as in their opinion will require sewers, showing the streets, the location of the sewers, and the depth, grade, and dimensions thereof, which plat, upon being approved by the common council, shall be kept and filed in the office of the board of public works, and constitute a permanent plan to which all subsequent sewers shall conform until changed, on the recommendation of the board of public works, by a two-thirds vote of all the aldermen elect. No sewers shall be connected hereafter in that part of the city outside the limits of the original sewer plat, except when the same shall be in conformity to a general plan, carefully prepared beforehand. The board shall then cause another plat to be

made, according to the above plan, of so much of said city as may be proposed to be then provided with sewers, and which shall include, as nearly as may be, the entire business portion of said city, and the extension of the main or trunk sewers to some convenient point of discharge; and the portion of said city so included shall be known as "Sewer Assessment District Number one." When such last mentioned plat is completed, it shall be submitted, with specifications and estimates, to the common council for approval, and upon approval of the same, the said council may, by resolution, order the construction of same in manner specified in section fourteen above. The cost of constructing the sewers in said district shall be paid as follows: So much of the main or trunk sewer as lies outside of said "District Number one," or is not within the limits of any street or alley in said district shall be paid for by the city. To meet the expenses of the construction of sewers in said city, in anticipation of the collection of assessments and taxes to defray the expense and cost thereof, the common council may by resolution authorize and direct the mayor and recorder of said city, to borrow a sum not exceeding ten thousand dollars in any one year, for such purpose and to issue the bonds, or other obligations of said city therefor, bearing interest at a rate not exceeding five per cent per annum, payable semi-annually: *Provided*, That the total amount of sewer bonds or other obligations for sewers, which the common council is hereby authorized to issue, shall not exceed one hundred thousand dollars outstanding at any one time. The bonds which may be issued in any one year, shall all be paid within twenty years from the date of issue, the said bonds to be indorsed "sewer bonds" and to be numbered consecutively. Said bonds shall not be sold for less than par, and the proceeds of the same shall be paid to the city treasurer and by him placed to the credit of the sewer fund. The assessment for the cost of the construction of lateral sewers shall be made by the board of public works and collected by the city treasurer, in the manner herein provided for making and collecting special assessments. The expense attending the construction of drains or sewers shall be borne as follows, that is to say: the amount of expense of constructing any lateral drain or sewer (the size of which shall be fixed by the board of public works), and such proportion of the expense of constructing any main drain or sewer as the construction of a lateral drain or sewer would, in the opinion of the board of public works, amount to, shall be assessed by the said board upon the lot through or near which such drain or sewer shall be laid, in proportion to the benefit derived by them respectively therefrom, or according to the frontage thereof. The amount of so much of the expense of constructing any main drain or sewer as shall exceed the cost of a proper lateral drain or sewer shall be assessed upon all the real and personal property

Estimates to be submitted to council.

May borrow money and issue bonds.

Proviso.

Assessments and collections.

Assessment
to be made
according to
frontage.

Council to give
notice of time
and place for
hearing
appeals.

Two-thirds vote
required for
confirmation.

included within the corporate limits of the city of Battle Creek liable to taxation in proportion to the assessed valuation of the property in said city. When such assessment is directed to be made according to frontage, there shall be assessed upon each parcel of land such relative portion of the whole amount to be levied as the length or front of such particular lot or parcel bears to the whole frontage of all the lots or parcels to be assessed, unless on account of the location, shape, or size of any lot, or on account of the same being situated on the corner of two streets, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to the benefits, there shall be assessed upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the said improvement. The said board of public works shall cause assessments for the expenses aforesaid of sewers constructed in accordance herewith to be made out in proper form, with map showing the property assessed, and the names of the owners thereof, when known (and when the name of the owner thereof cannot be ascertained, the same shall be marked "owner unknown"), and when such assessment is made, the said board shall submit the same to the common council; and the same shall be numbered and certified under seal by the recorder of said city upon such submission as aforesaid. The common council of said city shall give notice to all persons assessed, either by personal notice or by advertising in some newspaper in said city, of the time when, and the place where, said common council will hear appeals from said assessments, and which said notice shall not be less than one week. Proofs of such service or notice shall be filed in due form. At the time appointed for that purpose, and at such other times as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of the said assessment, and may review, rectify and amend such assessment in whole or in part, as they may deem just and necessary, as to each or all of the persons named therein and the property affected thereby, or the said common council may ratify and confirm such assessment without any correction, or with such corrections therein as they may think proper, conforming to the provisions of this charter; but no such assessment shall be confirmed unless by a two-thirds vote of all the aldermen elect; or the said common council may set the said assessment aside and order a new assessment to be made. From and after the confirming of all special assessments made under this charter as herein provided, the same shall be and become a debt due to said city, a charge against the person assessed, and a lien upon the property assessed and upon each and every portion, part and description thereof, and said debt, charge or lien shall continue and remain in

full force, together with all interest and charges thereon, and all costs for collecting, advertising and sale thereof, until all such taxes, charges, interest and expense are fully paid. And every assessment so ratified and confirmed by the common council as aforesaid, shall be final and conclusive, and *prima facie* evidence of the regularity and legality of all proceedings prior thereto. When any assessment for the construction of sewers shall have been confirmed by the common council of said city, the assessment roll shall be attested by the recorder under seal, and it shall be deposited with the supervisor who shall be responsible for its safe keeping. All such special assessments excepting such installments thereof as the council shall make payable at a future time, as in this charter provided, shall be due and payable on confirmation: *Provided*, That upon the confirmation of any such special assessment, the amount thereof may be divided into not more than three installments, as the common council may direct in each case, one of which shall be collected each year thereafter with such annual interest as the council may determine, at a rate not to exceed seven per cent. When the council shall direct any of such special assessments to be divided into installments, the amount thereof due in each year shall be placed by the supervisor on the annual tax roll in the sewer column thereof, upon and opposite the proper description of property. Whenever said sewer assessments shall not be divided into installments, the supervisor shall make a certified copy of such assessment roll, and the mayor shall attach thereto his warrant commanding the city treasurer to collect from each of the persons assessed in said roll, the amount of money assessed and set opposite his name therein. Upon receiving said special assessment roll, and warrant attached thereto, the city treasurer shall proceed to collect the amounts assessed therein, and on all sums paid at his office on said assessment within thirty days from the time the said special assessment roll comes into his hands for collection, no collection fee shall be added, and upon all amounts paid after the expiration of said thirty days he shall add and collect four per cent as collection fees; and to all amounts paid after the expiration of sixty days from the time said roll came into his hands for collection he shall add and collect interest at the rate of seven per cent per annum from date of confirmation until paid. Such collection fees and interest shall be an additional charge upon the lots or premises assessed, and against the persons chargeable therewith. In case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then said treasurer shall proceed to levy and collect the same by distress and sale of the goods and chattels of such person; and to make return of the warrant and of his doings thereon within sixty days from the date of said warrant. In case any such assessment shall remain unpaid after the expiration

Proviso as
to payment in
installments.

City treasurer
to collect
assessments.

Collection fees.

When to collect
by distress
and sale.

When to spread
on general as-
sessment roll.

of the said sixty days no renewal of said warrant shall be necessary, but said warrant shall remain in full force and effect, and the treasurer shall have full power and authority to collect the same by virtue of said original warrant at any time until such special assessment is paid, or until the same is placed and levied upon the general assessment roll, as in this act provided. In case any such assessment shall remain unpaid after the expiration of said sixty days, the common council may at any time thereafter direct the amount thereof to be levied and spread, together with all collection fees, and together with interest thereon at seven per cent per annum upon the general assessment roll of said city, and thereupon the city treasurer shall certify to the city recorder a proper description of the lots and premises upon which any such assessment or any part thereof remains unpaid, together with the amount of such unpaid assessment with the interest and collection fees due thereon, and the name of the owner or occupant against whom the assessment was made; and thereupon it shall be the duty of the supervisor to levy and spread such assessment upon the general assessment roll as hereinbefore provided, the same to be placed in the sewer column of such roll, and against the proper description of property:

Proviso.

Provided, That the common council may order that the said assessment shall be collected as soon as the cost thereof is ascertained and reported by the board of public works, if said common council shall deem it best so to do. All assessments under this act shall be collected in the same manner, and with all the remedies as are prescribed for the collection of other city taxes, except as the same may be in this section varied:

Proviso.

Provided, That when any such assessment has been, or shall hereafter be made against any railroad or railway corporation, and the same is not paid and discharged by said railroad or railway corporation against which the same is a legal demand, the said city of Battle Creek is hereby authorized and empowered to immediately enforce and collect the same, together with all interest and charges thereon and all costs and charges for collecting the same by an action of assumpsit or other proper legal action, and collect it out of any property of said railroad or railway corporation which is liable to levy and sale upon execution.

Board to fix
water rates

SEC. 20. Said board of public works shall annually, on or about the first Monday of March in each year, or as soon thereafter as may be, fix and determine the water rates for the year then next ensuing. Such water rates shall from and after the fixing of the same, be a continuing lien upon the lots and premises on which the water is used and charged, until paid, and the owners of the premises against which such rates are assessed shall pay the same to the board at its office, in advance, at such time or times as the board may determine; and in case of default in such payment the board may collect

the same by an action of assumpsit on the common counts in the name of the city before any court of competent jurisdiction, and shall shut off the water until the same is paid. The board may also shut off the water from any taker, when bills for labor or material are not promptly paid, or the rules and regulations not complied with, but shall turn on water when payment of rates and penalties is made. The board of public works may compel the use of a water meter in all cases where they deem it advisable: *Provided, however,* That all rules and regulations shall be uniform and general.

When water
may be shut off.

SEC. 30. The foregoing provisions in regard to the establishment, construction, government, and management of water works shall be subject to the conditions and regulations in this charter requiring that the assent of the electors shall first be obtained for the creation of such works. And in all cases the final adoption of plans for water works and sewerage, and plans for the extension of the same, shall rest with the common council, but the execution thereof, including all details, shall devolve on the board of public works.

Who to execute
certain pro-
visions.

SEC. 36. The common council shall have power in their discretion, to construct and reconstruct, and cause to be constructed and reconstructed, and repaired, all sidewalks and crosswalks, and to establish the grade and width thereof, and to prescribe the material of which the same may be constructed, and the time when, and the method of paying for the same. Whenever the common council, by the concurring vote of two-thirds of all the aldermen elect, shall by proper resolution order any of said improvements to be made, and the expense thereof to be assessed upon the owners of the property abutting upon and adjoining said sidewalk so intended to be constructed, they shall by proper resolution describe, designate plainly and clearly the district in which any such sidewalk is to be constructed, and each parcel of real estate upon which an assessment is to be made, which assessment shall be according and in proportion to the benefits of such sidewalk to said property so abutting upon and adjoining the same. The common council shall further by resolution direct one of the assessors of the city or other proper officer to make and file with the recorder, an estimate of the costs and expenses of such walk, and also specifications or material of which the same shall be constructed and of the length, width and other particulars thereof, which estimates shall be filed with the recorder and approved by the council. The council at their next regular meeting, or at any other regular meeting, direct the assessor or other proper officer of the city to make a proper assessment roll containing descriptions of all the parcels of real estate in said sidewalk district, the names of the owners thereof residing in said city, and in case any of the owners thereof do not reside in said city, to use the word "non-resident," and to apportion, assess and levy the amount

Sidewalks, con-
struction and
maintenance
of.

Council may
direct assessor,
etc., to make
estimates.

To give notice
on completion
of assessment
roll.

of the costs and expenses of the sidewalk upon said real estate and in proportion to the benefits of said sidewalk to said parcels, respectively. Said assessor shall forthwith complete said assessment roll, and as soon as completed he shall give notice by at least two publications in any newspaper in said city, said publications to be at least one week apart, stating substantially that said assessment roll is completed and will remain in his office twelve days from the date of the first publication of said notice for the inspection of all concerned, during which time any person interested may make such objections and requests for change or correction therein as they may wish to have made in said assessment roll, which said objections and requests for change or correction shall be submitted to the common council by said assessor at its first regular meeting after the expiration of the twelve days. The council shall thereupon make such change or correction in said roll as they shall deem just, and when such change or correction shall be made the same shall stand confirmed; and if no objection shall be filed with the assessor the common council shall confirm the roll, and after the confirmation of the roll the assessment in said roll shall be a debt due from the person assessed and a lien, until paid, upon such parcel of land. After the confirmation of said roll the supervisor shall make and deliver to the treasurer a copy of said assessment roll with the taxes against each person and against each parcel of land carried out in due form. He shall annex to said assessment roll a warrant under the hand of the mayor and supervisor, under the seal of the city, commanding the treasurer to collect from the several persons named therein, the sum set opposite their respective names within thirty days of the date thereof, and the said treasurer shall proceed to collect the same in the same manner as is, or shall be provided by law in cases of township treasurers, and to levy the same by distress and sale of the goods and chattels of the person liable therefor. Within ten days after the expiration of the time mentioned in his warrant for the collection of taxes the treasurer shall return said tax roll to the office of the recorder, giving the amount of the taxes, the description of the premises and the names of the persons against whom the assessment is made, and in case any of the taxes mentioned therein shall remain unpaid as shown by the return of said treasurer, the said taxes so returned shall be placed upon the next regular assessment roll of the city of Battle Creek, in the proper column, under the head of sidewalk taxes, to which shall be added a collection fee of four per cent, and interest at the rate of seven per cent per annum from the date of the confirmation until the same is paid, and said taxes, interest and collection fees shall then be collected in the same manner as the other city taxes, and in case the treasurer shall be unable to collect the same, the property therein described shall be

To annex
warrant.

returned, advertised and sold in the same manner and at the same time and with like effect, as for the other city taxes assessed on said general assessment roll.

SEC. 37. The common council of said city, in addition to the other powers in this charter provided and given, shall have, and they are hereby invested with full power and authority to pave and repave, curb and recurb, gravel, macadamize, or plank, any or all of the streets, alleys, lanes and public places in said city. And the said common council may by special assessment assess the cost and expense of such improvements upon the owners of the property abutting upon, adjacent to, or benefited by such improvement, according to the benefits of said improvement to said property, or according to the frontage thereof, and for the purpose of such assessment may designate and describe districts in which such improvement shall be made, and may provide the manner of doing the same, and for assessing the costs and expenses thereof: *Provided, however,* That no such improvement shall be made without the concurring vote of two-thirds of all the aldermen elect. Whenever the common council shall deem any of the above named improvements necessary, they shall so declare by resolution, which said resolution shall set forth the kind and extent of such public improvement, the necessity therefor, the manner of making the same, and the method of paying for the same, whether in whole or in part by general or special assessment, whether upon abutting property or upon an assessment district; and if the cost thereof is to be defrayed by a special assessment, in whole or in part upon the property abutting upon the street where such improvement is to be made, the common council shall (except in those cases where otherwise provided in this charter), by resolution designate the frontage, description and extent of all the property to be assessed therefor, and the manner of assessment, and if the cost of any such improvement, or of any part thereof, is to be assessed upon an assessment district, the common council shall describe and designate the said district, and each parcel of the real estate upon which the assessment is to be made. At a subsequent meeting, not less than one week after the passage of said resolution, the common council may direct the city engineer, or other proper officer, to make and file specifications of the pavement, and estimates of the cost thereof, and of the other particulars thereof. Upon the filing of such estimates and specifications, the common council may, in its discretion, order and direct the recorder or other proper officer to advertise for sealed proposals for the making of such public improvement. When said common council shall have ascertained the cost of such improvement, as near as may be, it shall by resolution fix and declare the cost thereof as near as may be, and order an assessment therefor. When such assessment is directed to be made according to frontage, there

Paving, etc.

Cost and
expense of,
how paid.

Proviso.

shall be assessed upon each parcel of land, such relative portion of the whole amount to be levied as the length or front of such particular lot or parcel bears to the whole frontage of all the lots or parcels to be assessed, unless on account of the location, shape or size of any lot, or on account of the same being situated on the corner of two streets [an] and assessment for a different number of feet would be more equitable. If the assessment is directed to be according to the benefits, there shall be assessed upon each lot such relative portion of the whole sum to be levied, as shall be proportionate to the estimated benefit resulting to such lot from the said improvement. Whenever any such public improvement shall be ordered by the said common council, and the amount, method, or manner of paying therefor be determined, and the taxing district therefor be established as herein provided, the city recorder except in those cases where otherwise provided in this charter, shall deliver to the supervisor certified copies of such resolutions and the said supervisor or one of the assessors of said city under his order and direction, shall thereupon make and return an assessment therefor to the said common council duly certified and signed by the officers making the same, and thereupon said assessment shall be certified under seal by the recorder of said city, and reported to the common council of said city at its next meeting. The said common council shall thereupon give notice to all persons assessed either by personal notice, or by advertising in some newspaper in said city, of the time when, and the place where the said common council will hear appeals from the said assessment: *Provided*, That not less than one week's personal notice or by publication at least one week in some newspaper published and circulating in said city of Battle Creek, shall be given. Proof of such service or notice shall be made by affidavit filed in the office of the recorder of said city. At the time and place so appointed, or at such other time and place as the same may be adjourned to, the common council shall hear and consider all objections made by any person assessed or by any property owners affected thereby, and may in conformity with the provisions of this charter, review and correct such assessment as they may deem just and necessary, as to each or all the persons named thereon, and as to each or all of the several descriptions of property affected thereby. And after such correction, if the said common council shall deem it just to make any such corrections, or in case no objections are made by any person to such assessment, the said common council may confirm such assessment, or any and every part thereof, or it may reject the same and order a new assessment to be made, but no such assessment shall be confirmed unless by a two-thirds vote of all the aldermen elect. From and after the confirming of all special assessments made under this charter as herein provided, the same

shall be and become a debt due to said city, a charge against the person assessed, and a lien upon the property assessed, and upon each and every portion, part and description thereof, and said debt, charge or lien shall continue and remain in full force, together with all interest and charges thereon, and all costs for collecting, advertising and sale thereon, until all such taxes, charges, interest and expenses are fully paid. And every assessment so ratified and confirmed by the common council as aforesaid, shall be final and conclusive, and *prima facie* evidence of the regularity and legality of all proceedings prior thereto, and no judgment or decree of any court, nor any acts of the city council, rejecting or vacating a special assessment, shall destroy or impair the lien of the city on the premises assessed for such amount of the assessment as may be equitably charged against the same or as by a regular mode of proceeding might have been lawfully assessed thereon. When any such special assessment as herein provided shall have been confirmed by the common council of said city, the assessment roll shall be attested by the recorder under seal, and it shall be deposited with the supervisor who shall be responsible for its safe keeping. All such special assessments except such as are made payable at some future time in installments by the common council as in this charter provided, shall be due and payable immediately upon the confirmation thereof: *Provided*, That upon the confirmation of any such special assessment, the amount thereof may be divided into not more than three installments as the common council may direct in each case, one of which said installments shall be collected each and every year thereafter, and with such annual interest upon each and all of said assessments as the said common council may determine at a rate of not to exceed seven per cent per annum. When the said common council shall direct any of such special assessments to be divided into installments, the amount thereof due in each year shall be placed by the supervisor on the annual tax roll in the pavement column thereof and opposite the proper description of property: *Provided*, Any person desiring to do so, may pay the whole of said tax or assessment at any time either before or after the same becomes due. Whenever said special assessment shall not be divided into installments, the supervisor as soon after the confirmation thereof as may be, shall make a certified copy of such assessment roll, and the mayor shall attach thereto his warrant commanding the city treasurer to collect from each of the persons assessed in said roll, the amount of money assessed and set opposite his name therein; and when the name of the owner of any lot cannot be ascertained the same shall be marked "owner unknown." Upon receiving such said special assessment roll, and warrant attached thereto, the city treasurer shall proceed to collect the amounts assessed therein and on all sums paid at his office on said

Special assessments, when payable.

Proviso as to payments in installments.

assessment within thirty days from the time the said special assessment roll comes into his hands for collection no collection fee shall be added, and upon all amounts paid after the expiration of said thirty days, he shall add and collect four per cent as collection fees, and to all amounts paid after the expiration of sixty days from the time said roll came into his hands for collection, he shall further add and collect interest from the date of confirmation thereof, at the rate of seven per cent per annum until paid. Such collection fee and interest shall be an additional charge upon the lots or premises assessed, and against the persons chargeable therewith. In case any person named in said roll shall neglect or refuse to pay his assessment upon the land, then said city treasurer shall proceed to levy and collect the same by distress and sale of the goods and chattels of such person in the same manner as for other city taxes. And the said city treasurer shall make return of the said warrant and of his doings thereon within sixty days from the date of said warrant. In case any such assessment shall remain unpaid after the expiration of the said sixty days, no renewal of said warrant shall be necessary, but said warrant shall remain in full force and effect, and the treasurer shall have full power and authority to collect the same by virtue of said original warrant at any time thereafter until such special assessment is paid, or until the same is placed and levied upon the general assessment roll as in this act provided. In case any such assessment shall remain unpaid after the expiration of said sixty days the common council may at any time thereafter, direct the amount thereof to be levied and spread, together with all collection fees, and with interest thereon at eight per cent per annum from the date of the confirmation of said assessment, upon the general assessment roll of said city, and thereupon the city treasurer shall certify to the city recorder a proper description of the lots and premises upon which any such assessment, or any part thereof remains unpaid, together with the amount of such unpaid assessment and the interest and collection fees due thereon and the name of the owner or occupant against whom the assessment was made; and thereupon it shall be the duty of the supervisor to levy and spread such assessment upon the next general assessment roll of said city, the same to be placed in the pavement column of said roll and against the name of the proper person and against the proper description of property, and the same shall then be collected, returned, advertised and property sold in the same manner and with like effect as is provided for the collection of the other city taxes on said roll: *Provided*, That the common council may order that any such special assessment shall be collected as soon as the cost of such improvement is ascertained and determined by said common council, if said com-

mon council shall deem it best so to do. The said common council may by ordinance provide such additional methods of collection of such assessment and such additional remedies for the collection thereof as they may deem proper, not repugnant to the provisions of this charter. Whenever any such assessment has been, or shall hereafter be made against any railroad or railway corporation and the same is not paid and discharged by said railroad or railway corporation, against which the same is a legal demand, the said city of Battle Creek is hereby authorized and empowered to immediately enforce and collect the same, together with all interest and charges thereon and all costs and charges for collecting the same by an action of assumpsit or other proper legal action, and collect the same out of any property of said railroad or railway corporation which is liable to levy and sale upon execution.

May provide additional methods for collection of assessments.

Assessments against railroads.

Whenever any paving or repaving is contemplated upon any street or public highway in the city, it shall be the duty of any person owning any lot or lots, lands or premises adjoining to, or abutting upon such street, or any gas company putting in such connections for gas, before the same shall be paved or repaved, to put in and lay all such sewer and gas connections in front of their lands and premises, and to carry the same from the pipe in such street to and beyond the curb line of such proposed pavement as the common council shall determine to be necessary for the preservation of such proposed paving and repaving, and the adjacent sidewalks, when the same shall be laid and put down, and such connection shall be laid, made and put in, in the manner and at the time or times as shall be directed by the council. In case the owner of such lot or lots, lands or premises shall neglect or refuse to make, lay or put in such connection at the time or in the manner prescribed by the common council, then the council shall cause the same to be made, laid or put in, and the respective owners of such lots, lands or premises, shall be liable for the cost thereof, together with eight per cent in addition thereto as a penalty to be recovered by the city in an action of debt or assumpsit, or the cost together with the amount of such penalty for which such persons shall be respectively liable, the council shall cause to be reported to the supervisor, to be levied and assessed by him under the direction of said common council, as a special tax or assessment upon such lot or lots, lands or premises, in the same manner as provided in this section for paving assessments.

Piping and sewerage to be put in before paving.

SEC. 63. The marshal of said city shall be the chief of police of said city, and it shall be his duty to serve all processes that may be lawfully delivered to him for service; to see that all the by-laws and ordinances of the common council are promptly and efficiently enforced; he shall obey all the lawful orders of the mayor or common council, and shall attend all meetings of the common council, and may command the aid

Marshal to be chief of police, duty of.

and assistance of all constables or other persons in the discharge of the duties imposed upon him by law, and shall be a peace officer; he shall also, under the direction of the common council, see to the making, grading, paving, repairing and opening of all streets, lanes, alleys, bridges, sidewalks, and crosswalks within said city, unless the common council shall devolve the same upon one or more of the deputy street commissioners, whom the mayor is hereby authorized to appoint; he shall have power and authority, and it shall be his duty, with or without process, to apprehend any person disturbing the peace or offending against any of the by-laws or ordinances of the city, and forthwith to take such person before the recorder or any justice of the peace of said city to be dealt with as the by-laws or ordinances or this act shall provide; and may apprehend and imprison any person found drunk in any street, lane, alley, park, or public place in said city until such person shall become sober; and shall be and he is hereby authorized to command the assistance in the discharge of such duties of any of the citizens or bystanders, if by him deemed necessary; and he shall perform all the duties that may be required of him by the by-laws, resolutions, or ordinances passed by the common council. Upon the breaking out of any fire in said city the marshal shall immediately repair to the place of such fire and aid and assist as well in extinguishing the fire as in preventing any goods or property from being stolen or injured, and in protecting, removing and securing the same; and for which purpose, and as chief of police, and the mayor, recorder, and any alderman may require the assistance of all bystanders, and in pursuance of his duties the marshal shall, in all respects, be obedient to the mayor, recorder, and aldermen, or either of them, or such of them as may be present at such fire; and in case any bystander shall wilfully refuse or neglect to comply with such requirements, he shall be punished in the manner provided in the by-laws or ordinances of the common council, who are hereby authorized to pass such by-laws and ordinances in relation thereto as they may deem necessary.

Additional tax,
authority for.

SEC. 75. The common council shall have power and authority, in addition to the tax provided for in section seventy-four of this act for streets, sidewalks, crosswalks, bridges, lanes, alleys, and public grounds, to levy and collect taxes on all of the real and personal property within the limits of said city, by them deemed necessary, not exceeding one per cent each year of the valuation of the real and personal property in said city, as determined by the assessment roll for that year, for the ordinary municipal expenses not provided for in section seventy-four of this act and not exceeding four per cent, in each year on the aforesaid valuation for the purpose of paying any indebtedness of said city, and all city taxes provided for by said sections seventeen, seventy-four, seventy-five

and seventy-six of this act, to be assessed, levied and collected, shall be so assessed and levied previous to the second Monday of August, and shall be collected on or before the fifteenth day of September in each year; but it shall be necessary to make but one assessment in each year. The common council shall also have power and authority to make, establish and enforce all necessary by-laws and ordinances for the collection of the same. The taxes thus assessed shall become at once a debt to the city from the person to whom they are assessed, and the amount assessed on any real or personal property shall be and remain a lien on such real or personal property for the amount of the tax, interest, and charges thereon from the second day of August of the year in which such assessment is made until paid. The common council shall have and are hereby invested with full, ample, and complete authority, whenever they shall deem it necessary and for the best interests of the city, to issue the bonds of said city, in such form, payable at such time or times, and at such rate of interest, not exceeding five per cent per annum, as they shall determine, for the purpose of funding or paying any indebtedness of said city, or to provide for the construction of water-works or sewers, or the introduction of water in said city, or for the extension of water-works or sewers or provide for the construction or purchase of an electric light plant or works for lighting the streets, public buildings and grounds, or for public buildings and parks, or for paving or repaving the streets of said city but for no other purpose whatever: *Pro-* Proviso.
vided, No bond shall be issued to provide for the construction of water-works or introduction of water in said city, or for the extension of water-works or to provide for an electric light plant or works, or for public buildings or parks or for paving or repaving the streets until a majority of all the electors voting upon said question shall have voted in favor of making such improvements, either at any charter election or at a special election called by the common council for that purpose, at such a time and in such a manner as the common council shall specify. The issuing of bonds authorized under section seventeen of this act, need not be submitted to the electors of said city: *And provided further*, That no more than thirty thousand dollars of such paving bonds shall be outstanding at any one time: *And provided further*, That the entire indebtedness of the Further
proviso. city of all kinds, shall at no time be permitted to exceed the amount of five per cent of the assessed valuation of said city, as the same shall then stand equalized by the board of supervisors of Calhoun county; and neither the electors nor the common council of said city shall have any authority to in any manner, either by bonds or otherwise, increase the amount of indebtedness of said city above that amount.

SEC. 82. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the Duty of council
as to school
tax.

Aldermen to
return jury
list.

several townships of this State in reference to schools, State, county, and school taxes, the support of the poor, State, congressional, judicial, district, and county elections, except as is otherwise provided by this act. The aldermen of each ward shall select and return lists of grand and petit jurors for the circuit court of Calhoun county, unless it may be otherwise provided by law, in the same manner and within the same time the same duty is or shall be required of township officers in this State, and in selecting and returning said grand and petit jurors, each ward of said city shall be considered and treated as a separate supervisor district. And the county clerk, on receiving such names shall make two separate packages of the same for each of said wards, one package for the names of grand jurors, and one package for the names of petit jurors, and in drawing all juries each of said wards shall be considered and treated as a separate supervisor district, and the officers so drawing such juries shall draw jurors from each of said wards separately and in rotation as from the several townships and other supervisor districts in said county. The supervisor, justices of the peace, recorder, and other officers of said city, who are required to perform the duties of township officers of this State, shall take the oath, give the bonds, perform like duties, and receive the same pay, and in the same manner, and be subject to the same liabilities as are provided for the corresponding township officers, except as is otherwise provided in this act, or as may be provided by the ordinances of the common council.

New assessments,
how made.

SEC. 97. Whenever any special assessment heretofore or hereafter made shall, in the opinion of the common council, be invalid by reason of any irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the common council shall, whether the improvement has been made or not, or whether any part of the assessment has been paid or not, have power to cause a new assessment to be made for the same purposes for which the former assessment was made. All the proceedings for such reassessment and for the collection thereof shall be conducted as near as may be in the same manner as provided for the original assessment; and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises and the reassessment shall to that extent be deemed satisfied: *Provided*, That no judgment or decree of any court nor any act of the common council rejecting or vacating a special assessment shall destroy or impair the lien of the city on the premises assessed for such amount of assessment as may be equitably charged against the same or as by a regular mode of proceeding may have been lawfully assessed thereon.

Proviso.

This act is ordered to take immediate effect.

Approved March 24, 1897.

[No. 372.]

AN ACT to authorize the village of Sand Beach in the county of Huron to borrow money and issue bonds therefor, for the purpose of erecting a water-works plant.

SECTION 1. *The People of the State of Michigan enact*, That the village council of the village of Sand Beach, in the county of Huron, be and they are hereby authorized and empowered to borrow money on the faith and credit of said village and to issue bonds therefor to an amount not to exceed ten thousand dollars in addition to the amount allowed to be borrowed by villages for the purpose of erecting a water-works plant, by the general law of this State for the incorporation of villages, which money shall be expended for the purpose of constructing and erecting a water-works plant in said village of Sand Beach: *Provided*, That two-thirds of the qualified voters of said village of Sand Beach voting at a regular or special election in said village, shall vote in favor of such loan.

SEC. 2. Such loan shall be authorized by a two-thirds vote of the electors of said village as aforesaid; said bonds shall be issued in such sums not exceeding the amount hereinbefore limited, and payable at a time or times, not exceeding ten years, with such rate or rates of interest, not to exceed six per cent per annum, as the village board or trustees may direct, and shall be signed by the president and countersigned by the clerk of said village, and negotiated by, or under the direction of the board of trustees of said village, and the moneys arising therefrom shall be appropriated in such manner as shall be determined by the board of trustees to the carrying out of the purpose hereinbefore specified; and the said board of trustees shall have power, and it shall be their duty to raise by tax, upon all taxable property in said village, such sum or sums as shall be necessary and sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due and payable. Said bonds shall not be negotiated at less than their par value.

SEC. 3. The vote upon such proposition shall be by ballot, either written or printed, or partly written and partly printed, and shall be in the following form: In regard to the question of borrowing an additional ten thousand dollars for water-works plant, Yes ☐ ; No ☐ . Those voting in favor of said loan will mark a cross in the square opposite the word yes, and those voting against said loan will mark a cross in the square opposite the word no, and it shall be the duty of the township board to provide at the polls of such election, during the entire time the same shall be open, a sufficient number of ballots, printed or written in the form above indicated, and to furnish the same to all electors desiring to vote thereon.

May borrow money.

Bonds.

For what purpose.

Vote required.

When payable, rate of interest.

Who to sign.

Who to provide for payment.

Vote, form of ballot.

Township board to provide sufficient ballots, etc.

How election conducted.	The election shall be conducted and the notice thereof given and the votes canvassed in all respects as in other township elections. Immediately upon the conclusion of such canvass the inspectors of election shall make and sign a certificate, showing the whole number of votes cast upon such proposition, and the number for and against respectively, and not later than the third day following such election, said inspectors shall indorse upon said certificate the declaration in writing over their hands of the result of said election, which declaration and certificate shall then forthwith be filed with the clerk of said village, and a copy thereof shall be filed with the clerk of Huron county.
When to endorse certificate of result of election.	
Where certificate to be filed.	
Duties of clerk.	SEC. 4. The clerk shall keep an accurate record of said bonds showing the class of indebtedness to which they belong, the number, date and amount and where payable, and the person to whom it was issued. The proceeds of said bonds shall be paid to the village treasurer and be credited to the "Waterworks Fund," and be applied exclusively to the [purposes] purpose for which said fund is constituted as above. This act is ordered to take immediate effect. Approved March 25, 1897.

[No. 373.]

AN ACT for the relief of John Leak, treasurer of the township of Claybanks in the county of Oceana, in the State of Michigan, from liability on account of his loss of township funds through the failure of the Whitehall State Savings Bank; to authorize the issue and sale of township bonds therefor and the payment of the same by a tax upon the taxable property of said township.

Relief of John Leak submitted to electors.

SECTION 1. *The People of the State of Michigan enact*, That there shall be submitted to the qualified electors of the township of Claybanks in the county of Oceana, State of Michigan, at the annual township meeting to be held in said township on the first Monday of April eighteen hundred and ninety-seven, the question of relieving John Leak, treasurer of said township, from liability on account of his loss of the funds of said township through the failure of the Whitehall State Savings Bank, where the said funds were deposited, by the issue and sale of the bonds of said township for the amount of said loss and the payment of so much of said bonds to be determined in the manner hereinafter provided as shall be necessary for that purpose by a tax upon the taxable property of said

township in the manner following, viz.: The township clerk of said township of Claybanks shall cause at least ten days' notice to be given of the intended submission of said question in the same manner as is required by law to be given of said annual township meeting. Said township clerk shall cause to be printed on white paper and distributed at the polls at said township meeting in sufficient numbers for the accommodation of all the electors of said township two sets of ballots of uniform size, color, and texture, and on the ballots of one set shall be printed the words: "For the issue and sale of the bonds and levy of the tax—Yes." And on the other set of ballots the words: "For the issue and sale of bonds and levy of tax—No." Said ballots voted at said township meeting shall be voted and deposited in a separate ballot box and shall be cared for, inspected and counted in the same manner, as near as may be, as ballots relative to constitutional amendments are voted, deposited, cared for and counted.

Who to give notice of election.

How printed and distributed.

Ballot, form of and printing.

How voted and cared for.

SEC. 2. If it shall appear from the final inspection and counting of said ballots that two-thirds of the electors voting on said proposition shall have voted in favor thereof, the same shall be declared by the inspectors of said election carried and adopted and it shall be so certified by them to the township board of said township within five days after said township meeting.

Declaration when carried by two-thirds vote.

SEC. 3. If the proposition so submitted shall in the manner provided in this act be carried and adopted and so certified to the township board of said township, said board shall on the first Monday after said township meeting, meet at the office of the clerk of said township, but without further notice, and determine the amount of money necessary to be borrowed by said township for the purpose of carrying into effect the provisions and objects of this act and shall also at said meeting authorize and direct the clerk of said township to cause to be printed blank bonds of said township numbered consecutively and in such amount and payable at such time or times and with such rate of interest not exceeding however seven per cent per annum, as such township board shall also direct, but in no event to exceed the amount or sum so determined to be necessary as aforesaid. Said blank bonds when so procured shall be signed and issued by the supervisor and township clerk in behalf of said township in terms corresponding with said determination and direction of said board, and which when sold and disposed of as in this act provided shall be a valid and binding obligation upon said township. The township clerk shall keep a full and complete record of all the proceedings of said township board relative to the matters hereinbefore provided.

When to determine amount of money to be raised.

Clerk to procure blank bonds, etc.

Who to sign and issue bonds.

Clerk to keep a complete record.

SEC. 4. Said township bonds when so issued shall by the clerk of said township be offered for sale to the highest bidder for cash at the front door of the court house at the village of

Duties of clerk relative to sale of bonds.

Notice of sale.	Hart, in said Oceana county, after having given twenty days' notice of such sale, by a notice signed by him as township clerk and printed and published for at least two successive weeks in such public newspaper published in said village of Hart as he may select. Said notice and the printing [and] an procuring of said blank bonds to be at the expense of said John Leak. That all moneys received by said clerk on account of the sale of said bonds shall be by him at once turned over to the then treasurer of said township to be by him employed in the place and stead of the money so determined to have been lost by the said John Leak as treasurer of said township through and on account of the failure of the said Whitehall State Savings Bank, and shall to the extent thereof forever relieve the said John Leak as said treasurer and his bondsmen from all liability for or on account of the loss of said moneys in the manner aforesaid.
Who to pay expense of printing, etc.	
Disposition of money from sale of bonds.	
Proceeding when proposition carried and adopted.	SEC. 5. If the said proposition so submitted shall have been carried and adopted by the electors of said township and the said bonds issued and sold in the manner provided in this act then for the purpose of making provision for the payment of said bonds and the interest thereon as the same shall become due and payable the supervisor of said township shall call and hold on or before the first day of September in each year preceding the time when any of the said bonded indebtedness shall become due and payable, a special meeting of said board at the office of the clerk of said township when said board shall determine the amount necessary to be raised by taxation upon the taxable property of said township for the payment of any of said bonded indebtedness falling due next following said date less however any amount or amounts which may have been at that time collected or in any manner received by the treasurer of said township for or on account of any money on deposit in the Whitehall State Savings Bank at the time of its said failure, a full and complete record of which determination shall be kept by the clerk of said board. That upon said amount being determined by said township board the same shall by the clerk of said board on or before the first day of October following be duly certified to the county clerk of the said county of Oceana in the same manner as other amounts of money to be raised by taxation for township purposes are certified and which sum so determined and certified in each year shall in the manner provided by law for the assessment of township taxes be assessed upon the taxable property of said township of Claybanks and collected in the same manner as other township taxes are collected, and upon the collection of said amount so assessed and at the maturity of said bonded indebtedness so provided for the treasurer of said township from the moneys so collected shall
Supervisor to call special meeting.	
To determine amount to raise by tax.	
Clerk to keep record.	
When clerk of board to certify to county clerk.	
Taxes, how assessed and collected.	
Who to pay and cancel bonds.	

pay, take up and cancel said outstanding bond or bonds then due and hold the same as his vouchers therefor.

This act is ordered to take immediate effect.

Approved March 25, 1897.

[No. 374.]

AN ACT to revise the charter of the city of Grand Rapids.

TITLE I.

INCORPORATION—CITY AND WARD BOUNDARIES.

SECTION 1. *The People of the State of Michigan enact, That* the municipal corporation known as “the city of Grand Rapids,” shall be and continue to be a municipal corporation by the name of “the city of Grand Rapids,” and by that name may sue, implead and complain in any court of record, and in any other place whatsoever, but it shall be sued or complained of only in the Superior Court of Grand Rapids; it may have a common seal and alter such seal at pleasure; it may take, hold, occupy and enjoy, use and possess, purchase, lease, convey, encumber and dispose of any real, personal or mixed estate, for the use or benefit of said municipal corporation.

City of Grand Rapids to be a municipal corporation.

Corporate powers.

SEC. 2. The district of country in the county of Kent and State of Michigan, hereinafter particularly described, is hereby constituted and declared to be a city, by the name of Grand Rapids, and subject to the municipal government of said corporation; said district, of said country being bounded as follows, viz.: Beginning at the northwest corner of section eighteen, town seven north of range eleven west; thence east along the north line of said section, one mile to the northeast corner thereof; thence south along the east line of said section eighteen, one mile to the southeast corner thereof; thence east along the north line of section twenty, town seven north of range eleven west, one-half mile to the north quarter post of said section twenty; thence south along the north and south quarter line of said section twenty, to the south line of said section; thence east on the line between sections twenty and twenty-nine of said town seven north of range eleven west, one-half mile to the northeast corner of said section twenty-nine; thence south two miles along the east line of said section twenty-nine, and section thirty-two of town seven north, range eleven west, to the south line of said town seven north, range eleven west; thence west along the said south line to the northeast corner of section five, town six north, range eleven

Territory incorporated.

- west; thence south along the east line of said section five, town six north, range eleven west, one mile, to the southeast corner of said section; thence west along the south line of sections five and six of town six north, range eleven west, two miles to the west line of said town six north, range eleven west; thence north along said west line to the southeast corner of section one, town six north, range twelve west; thence west one mile along the south line of said section one to the southwest corner of said section one; thence north along the west line of said section one, one mile to the northwest corner thereof; thence west along the south line of sections thirty-six, thirty-five and thirty-four produced, of town seven north, range twelve west, two and forty-five one-hundredths miles, more or less, to the center of Grand river; thence northeasterly along the center of said river to the west line of section thirty-five produced south; thence north on the west line produced south, of said section thirty-five and the west line of sections twenty-six, twenty-three and fourteen of town seven north, range twelve west, to the west quarter post of said section fourteen; thence east along the east and west quarter line of said section fourteen, one-half mile to the center of said section; thence north, along the north and south quarter lines of said section fourteen, one-half mile to the north quarter post of said section; thence east along the north boundary of said section fourteen and section thirteen, town seven north, range twelve west, to the northeast corner of said section thirteen; thence north ten and fifty-six one-hundredths feet to the place of beginning. Also so much of Grand river as is embraced within the boundaries above described.

Territory set
off from towns
and attached
to city.

SEC. 3. So much of the townships of Grand Rapids, Paris, Wyoming and Walker, in said county of Kent, as are embraced within the aforesaid boundaries, are hereby set off from said towns and are re-organized into the said city of Grand Rapids.

Division into
wards.

SEC. 4 The said city of Grand Rapids shall be divided into twelve wards, as follows:

First ward.

First, All that part of the city lying south of the center line of Fulton street, extending to the center of Grand river, and west of the center line of South Division street and east of the center of Grand river, and north of the center line of Fifth avenue in said city, and of that line extended west to the center of Grand river, shall constitute the First ward;

Second ward.

Second, All that part of the said city lying north of the center line of Fulton street and of said center line of Fulton street extending to the center of Grand river and east of the center of the said river and south of the center line of Lyon street, and of said line extended to the center of said river and extended east to the city limits, as fixed by this act, shall constitute the Second ward;

Third ward.

Third, All that part of the said city lying south of the center line of Fulton street, and of that line extended east to the city

limits, as fixed by this act, and east of the center line of South Division street, and north of the center line of Wealthy avenue, and of that line extended east to said city limits, shall constitute the Third ward;

Fourth, All that part of said city lying north of the center line of Lyon street and of said line extended to the center of Grand river, and east to the city limits, as fixed by this act, and south of the center line of Fairbanks street, and of said line extended to center of Grand river and extended eastwardly to the said city limits, and east of the center of Grand river, shall constitute the Fourth ward; Fourth ward.

Fifth, All that part of said city lying north of the center line of Fairbanks street, and of said line extended to the center of Grand river and extended eastwardly to the city limits, as fixed by this act, and lying east of the center of Grand river, and extended north to the north boundary of said city, as fixed by this act, shall constitute the Fifth ward; Fifth ward.

Sixth, All that portion of said city lying west of the center of Grand river, and north of the center line of Seventh street and of said line extended eastwardly to the center of Grand river, and extended westwardly to the city limits, as fixed by this act, and extending north to the city limits, as fixed by this act, shall constitute the Sixth ward; Sixth ward.

Seventh, All that part of said city lying west of the center of Grand river and south of the center line of Seventh street, extended eastwardly to Grand river, and westwardly to the city limits, as fixed by this act, and north of the center line of Bridge street, and of said last line extended eastwardly to the center of Grand river, and west to the city limits, as fixed by this act, shall constitute the Seventh ward; Seventh ward.

Eighth, All that part of the city lying west of the center of Grand river, and south of the center line of West Bridge street, extending west to the city limits, as fixed by this act, and east to the center of Grand river, and north of the center line of Shawmut avenue, extended eastwardly to the center of Grand river, and westwardly to the city limits, as fixed by this act, shall constitute the Eighth ward; Eighth ward.

Ninth, All that part of said city lying south of the center line of Shawmut avenue, and said line extended east to the center of Grand river, and westwardly to the city limits, as fixed by this act, and west of the center of Grand river, to the west city limits, as fixed by this act, shall constitute the Ninth ward; Ninth ward.

Tenth, All that part of said city lying south of the center line of Wealthy avenue, and of that line extended east to the city limits, as fixed by this act, and east of the center line of South Division street, and north of the center line of Fifth avenue, and of that line extended east to the city limits, shall constitute the Tenth ward; Tenth ward.

Eleventh, All that part of said city lying south of the center line of Fifth avenue, and of that line extended east to the city limits, as fixed by this act, and east to the center line of South Eleventh ward.

Division street, and of that line extended south to the city limits, as fixed by this act, shall constitute the Eleventh ward;
Twelfth ward. *Twelfth.* All that part of the city lying south of the center line of Fifth avenue, and of that line extended west to the center of Grand river, and west of the center line of South Division street, and of that line extended south to the city limits, as fixed by this act, and east of the center of Grand river, shall constitute the Twelfth ward.

Each ward to be an election district.

When council may divide wards, etc.

SEC. 5. Each ward shall be an election district by itself, but it shall be lawful for the common council during the month next preceding the notice of a general registration to divide the several wards of the city, or any of them, into convenient election precincts for the purpose of holding of general and special elections, and in case any ward or wards shall be divided, the provisions of the general laws of this State and of this act, relating to elections other than in towns, shall be applicable except as herein otherwise provided.

TITLE II.

ELECTION AND APPOINTMENT OF OFFICERS.

Officers of city. SECTION 1. The officers of said city shall be the mayor, treasurer, comptroller, clerk, marshal, a board of public works to consist of six members, including the mayor, a board of police and fire commissioners to consist of five members, a board of assessors to consist of three members, a board of health to consist of three members, a board of cemetery commissioners to consist of three members, two aldermen and one constable in each ward of the city. Nine supervisors shall be elected by the electors of the city at large, voting in their respective wards, and shall be members of the board of supervisors of Kent county, and shall exercise all the rights, duties and privileges of members of said board. Said supervisors shall be elected at the regular charter election of eighteen hundred and ninety-seven for the term of one year, and annually thereafter. Also one city physician, one city attorney, one inspector of buildings, and so many common criers, keepers of almshouses, work-house and penitentiary, inspectors of firewood, inspectors of highways and weighmasters, as the common council shall, from time to time, direct, all to be elected or appointed as hereinafter provided. No person shall be eligible to any of said offices unless he shall then be an elector and resident of said city, nor shall he be eligible to any office for any ward or district unless he shall then be an elector and resident of said ward or district, and when any officer hereinbefore named shall cease to reside in said city, ward or district, his office shall thereby become vacant: *Provided*, That it shall not be competent for any city officer to hold two offices the salary

Who eligible to office.

Proviso.

or compensation for which is paid by the city government or any department thereof.

SEC. 2. An election shall be held in each ward annually, on the first Monday in April, at such place or places, if there be more than one voting precinct in any ward, as the common council shall appoint, by a notice published at least five days previous to the election, in the two official newspapers printed and circulated in said city, but in no other papers, or by posting printed notices of the holding of said election in at least three of the most public places in each ward or precinct, at least five days previous to said election.

Election, when and where held.

Notice of.

SEC. 3. There shall be two aldermen elected in each of the wards of the city, by the electors in such wards. Such aldermen shall be electors of the wards wherein they shall be elected and actual residents thereof; they shall be elected and hold their respective offices for two years from the first Monday in May of the year in which they are elected, and until their successors are elected and qualified, and their election shall occur at the annual municipal elections held in the city, except as hereinafter provided. After the passage of this act there shall be no further election of aldermen by the electors of the whole city, but all aldermen of the several wards, and those elected by the electors of the whole city, in office at the time of the passage of this act, shall continue therein until the expiration of their respective offices.

Aldermen to be elected.

Term of office.

Present aldermen to continue in office until their terms expire.

SEC. 4 At the first annual municipal election held after the passage of this act, there shall be two aldermen elected in each of the following wards, by the electors thereof, viz.: The first, third, fifth and seventh, one of such aldermen to hold his office for one year from the first Monday in May succeeding such election, and the other of such aldermen to hold his office for two years from said first Monday in May and until their successors shall be elected and qualified. At said municipal election in both the ninth and eleventh wards, there shall be elected one alderman who shall hold his office for two years from said first Monday in May, and until his successor shall be elected and qualified; the aldermen residing in each of said last mentioned wards, who was elected by the electors of the whole city, shall act as ward alderman of the ward wherein he resides for the remainder of his term. In each of the following wards, viz.: The fourth, sixth, eighth, tenth and twelfth, there shall be elected at said municipal election, an alderman who shall hold his office for two years from said first Monday in May and until his successor shall be elected and qualified. In the second ward there shall be no election of aldermen until the annual municipal election of the year eighteen hundred and ninety-eight, but the alderman residing in said ward who was elected by the electors of the whole city, shall act as ward alderman therein for the remainder of his term. At the annual municipal election to be held in the said year eighteen hundred

Election of aldermen, when to be made in the different wards.

Senior alderman.

Senior alderman to sit upon the board of supervisors.

Constable to be elected annually in each ward.

City officers, when to be elected.

Mayor to appoint certain officers.

City physician.

Members of boards.

Building inspector.

Other officers.

and ninety-eight, there shall be elected in the said second ward two aldermen, one to hold his office for one year from the first Monday in the succeeding month of May, and the other to hold his office for two years from said first Monday in May, and until their successors shall be elected and qualified. In each ward the alderman whose term of office shall first expire, shall be designated as the senior alderman of the ward. In the second ward, until the first Monday in May in the year eighteen hundred and ninety-eight, the alderman residing therein who was elected by the electors thereof, shall be considered as the senior alderman therein. The senior alderman in each ward shall sit upon the board of supervisors of the county, and shall have all other powers and be subject to all other duties imposed upon senior aldermen, as hereinafter provided.

SEC. 5. At said first annual election and annually thereafter, there shall be elected in each ward "one constable," who shall hold his office for the term of one year and until his successor is elected and qualified. At the second annual election after the passage of this act, and every two years thereafter, there shall be elected by the electors of the whole city, one mayor, one clerk of the superior court, and one clerk of the police court, whose terms of office shall be two years, and until their successors are elected and qualified. At the first annual election after the passage of this act, and every two years thereafter, there shall be elected by the electors of the whole city, one treasurer, one clerk, one comptroller, one marshal, one clerk of the justice courts, each of whom shall hold his office for the term of two years and until his successor is elected and qualified.

SEC. 6. The mayor shall, on the first Monday in May after the passage of this act, or within a reasonable time thereafter, and on the first Monday of May of every succeeding year, or within a reasonable time thereafter, appoint a city physician, whose duties may be prescribed by the common council, who shall hold his office for one year and until his successor is appointed and qualified. He shall also appoint all members of the different boards provided for in this act, in manner and for the time hereinafter set forth. He may on the first Monday of May after the passage of this act, or within a reasonable time thereafter, and on the first Monday in May of every succeeding year, or within a reasonable time thereafter, nominate a building inspector who shall hold his office for one year and until his successor is appointed and qualified, whose powers and duties shall be prescribed by the common council. He may also nominate as many common criers, keepers of almshouses, weighmasters and inspectors of firewood as the common council shall deem necessary, whose terms of office, duties and salaries shall be prescribed by the common council. All such nominations shall be subject to confirmation by a majority

vote of all the aldermen elect of the common council. The successors of such officers so appointed or nominated shall be nominated and confirmed or appointed in like manner, and their duties and salaries shall also be prescribed as above set forth. The appointments named in this section shall not require confirmation.

SEC. 7. The aldermen elect of the common council shall, on the first Monday in May after the passage of this act, or within a reasonable time thereafter, and on the first Monday in May of every second year, or within a reasonable time thereafter, elect a city attorney, whose term of office shall be two years and until his successor is elected and qualified, whose salary and duties shall be as hereinafter provided. A vote of a majority of all the aldermen elect of the common council shall be required for such election. On the first Monday in May after the passage of this act, and on the first Monday in May of each succeeding year, or within a reasonable time thereafter, the said aldermen elect shall elect three highway commissioners whose terms of office shall be one year and until their successors are elected and qualified, and whose duties and salaries shall be prescribed by the common council. All their successors shall be elected as above set forth.

Aldermen to elect certain officers.

City attorney.

Three highway commissioners.

SEC. 8. Whenever a vacancy shall occur in any appointive office, under the provisions of this act, or in any office elective by the aldermen elect of the common council under such provisions, the same shall be filled in manner provided for in the three following sections.

When vacancy occurs, how to be filled.

SEC. 9. In case a vacancy shall occur in an office requiring a nomination and confirmation as aforesaid, such nomination shall be made by the mayor within a reasonable time after such vacancy occurs, and in case a vacancy shall occur in an office, the incumbent of which was appointed by the mayor, his successor shall be appointed by him within a reasonable time thereafter.

In case vacancy occurs in an office filled by appointment by the mayor.

SEC. 10. Whenever a vacancy shall occur in any office the incumbent of which was elected by the aldermen elect of the common council, his successor shall be elected by the aldermen elect within a reasonable time thereafter.

When a vacancy occurs where the office is filled by election by the aldermen.

SEC. 11. Whenever a vacancy shall occur in an office the incumbent of which was either nominated or appointed by the mayor or elected by the aldermen elect of the common council, the term of office of the successor thereto shall commence from the time of his acceptance thereof, and end at the expiration of the original term of office to which he succeeded.

In case of vacancy, when appointee shall take his seat and when his term expires.

SEC. 12. Any elective or appointive officer of the city, except a judicial officer, may be removed by the common council for official misconduct, or for unfaithful or improper performance of the duties of his office, or because such officer is ineligible to hold the office for which he was elected or

How officer may be removed.

Proceedings to
be entered in
record.
Proviso.

appointed. The proceedings in that behalf shall be entered in the records of its proceedings: *Provided*, That a copy of the charges against such officer sought to be removed, and notice of the time and place of hearing the same, shall be served on him at least ten days previous to the time so assigned, and opportunity given him to make his defense thereto. If personal service cannot be had upon such officer, a copy of such charges and notice as aforesaid, shall be left at his last place of residence within the city, with some suitable person of proper age. An affirmative vote of two-thirds of all the aldermen elect of the council shall be necessary to remove such officer. The provisions of this section shall apply to the clerks of the superior, police, and justice courts respectively. Judicial officers of the city shall be removed for the same cause and in manner provided for by the statutes of the State.

When the polls
to be open, etc.

SEC. 13. On the day of election, held by virtue of this act, the polls shall be opened in each of the respective precincts of each of the wards of said city, at the several places designated by the common council, at seven o'clock in the forenoon, or as soon thereafter as may be, and shall be continued open until five o'clock in the afternoon of the same day, and no longer.

Who to be
qualified
electors.

In case elector
is challenged.

Penalty for
false swearing.

SEC. 14. The inhabitants of said city being electors under the constitution of the State of Michigan, and no others, are declared to be electors under this act, and qualified to vote at the elections held by virtue of this act, and each person offering to vote at any such election if challenged by any elector of said city, before his vote shall be received, shall take one of the oaths now provided by the laws of this State, which oath shall be administered to him by one of the inspectors of election; and if any person shall swear falsely, upon conviction thereof he shall be liable to the pains and penalties of perjury; but the common council of said city is hereby authorized and empowered to provide by general ordinance from time to time, to so change the form of the oath or oaths to be administered to such elector (if challenged) as to conform to the constitution and laws of the State which may from time to time be in force.

Aldermen to be
inspectors of
elections.

Council shall
designate num-
ber of electors
in voting pre-
cinct.

Each member
to take oath
of office.

SEC. 15. The aldermen residing in each ward of the city, and as many as necessary of the electors of such ward as the common council shall appoint, shall constitute a board or boards of inspectors of election of such ward. Each board of election shall consist of four members. Each voting precinct in a ward shall have a board of inspectors of election therein. The common council shall have power to designate the number of electors which shall constitute a voting precinct, and all such voting precincts shall be of a uniform number of electors, as near as may be possible. No person shall be a member of a board of inspectors of election out of the ward in which he resides. Each member of such boards, before entering upon his duties, shall take and subscribe the constitutional oath of office, which oath may be administered to him by any person

who has general power to administer oaths. After such oath is taken and subscribed by each member of any one of said boards as aforesaid, such board shall organize for business by appointing a chairman; the aldermen of the ward shall be chairmen of the boards of which they are members, and each of such other boards shall appoint any one of its members as its chairman. The members of each of such boards, after the appointment of its chairman as aforesaid, shall appoint two competent persons, electors of the ward wherein they are appointed, as clerks of election, and who, before entering upon their duties as such clerks, shall take and subscribe the constitutional oath of office which may be administered to them by any person who has general power to administer oaths, or such oath may be administered to them by the chairman of the board of which they are clerks.

Clerks of election to be appointed.

SEC. 16. There shall be a board of registration for each voting precinct in the city, to consist of two members. The aldermen residing in any ward, together with such electors of such ward as the common council may appoint, shall constitute the board or boards of registration therein. The duties and powers of such boards of registration shall be such as are now provided, or shall hereafter be provided, by the general statutes of the State governing such boards in municipal corporations. Each member of said boards of registration, before entering upon his duties, shall take and subscribe the constitutional oath of office, which oath may be administered to him by any person who has general power to administer oaths.

Board of registration for each precinct to consist of two members.

Powers and duties of board.

SEC. 17. In case there shall be no aldermen residing in the ward, or in case of the incapacity, for any reason, of any alderman or aldermen to act as a member of the respective boards of inspectors of election and of registration, then the common council shall appoint an elector who resides within the ward, to act for such person or persons in said respective capacities.

In case alderman is not qualified to act on board.

SEC. 18. All members of the respective boards of inspectors of election and of registration, shall be designated and appointed at least six days before they enter upon their respective duties as members of such boards.

All members to be appointed six days before assuming their duties.

SEC. 19. Inspectors of election, as specified in the preceding sections fifteen, seventeen and eighteen, shall be inspectors of elections held in the several voting precincts of the city, for the election of all State, county and municipal officers.

Inspectors to be inspectors for the election of all officers.

SEC. 20. The common council shall appoint three electors of the city at least ten days before any municipal election in said city, to act as a board of election commissioners of the city, for the purposes of such election. Such boards shall perform such duties relative to the preparation and printing of ballots, as are required by law of the boards of election commissioners of counties; and like duties and privileges as are enjoined and granted by the laws governing general elections, upon the various committees of the different political organi-

Election commissioners to be appointed.

Powers and duties.

zations, are hereby prescribed for the city committees of such organizations in such municipal elections, except that it shall not be necessary for the committees of the different political organizations to furnish a vignette or heading for the ballots, other than to designate the name of the party or political organization which they represent.

Names of candidates to be given to said board, etc.

Construction, form, style, etc., of ballots.

SEC. 21. The names of candidates shall be given by the committees of the various political organizations to said board, not less than five days before any such municipal election; all the names of such candidates shall be certified to by the chairman and secretary of the respective committees. Said board shall cause to be printed on one ballot the names of the candidates aforesaid. All candidates of any party shall be placed in a separate column, under the title of such party, and also under the device of such party, if any such device shall have been furnished to said board by the committee of such party. The proof copy of the ballot shall be open to the inspection of the chairman of each of said committees at the office of the city clerk, not less than two full secular days before such election, and it shall be the duty of said board to correct such errors as may be found therein by such inspection. The ballots shall be of uniform size and of the same quality of white paper, and sufficiently thick that the printing cannot be distinguished from the back. The ticket of the party having the greatest number of votes within the city, at the last preceding general or municipal election therein, shall be placed first on the ballot, the position of other tickets to be governed relatively by the same rule. Said ballots, when printed, shall be deposited by said board with the city clerk, who shall securely keep the same where they cannot be molested or tampered with by any one.

Ballots to be delivered to chairman of election inspectors.

Ballots to be kept in sealed packages, etc.

SEC. 22. It shall be the duty of the chairman or any member of the board of election inspectors of each voting precinct in the city to appear at the office of the city clerk, not more than forty-eight hours before the hour of opening of the polls of any such municipal election, and the said city clerk, under the direction of said board of election commissioners, shall deliver to him, in a sealed package, the ballots and other material provided for his precinct. The necessary number of ballots shall be wrapped and tied in packages, and securely sealed with wax, and the chairman of said board of election commissioners, or some member thereof duly authorized therefor by said board, shall make and sign a certificate setting forth the number of ballots in each package, and that such ballots were packed and sealed by himself personally, and upon delivery of such package and said certificate to said inspector of election, he shall receipt for the same, and such certificate shall be returned and filed in the office of the city clerk, when the return of the number of votes cast in such precinct shall be made by said inspectors of election. For the safe sealing of

such ballots, said commissioners of election shall provide themselves with a seal of such design as they may deem proper. Said packages shall not be opened until delivered to the boards of election inspectors of the respective voting precincts to which they were directed, after said boards shall be fully organized and ready for the reception of votes, as in this title provided. The method of counting such votes shall be in conformity with the statutes of the State regulating the counting of ballots at general elections, in force at the time of such election. Municipal elections, and all other elections in the city, shall be conducted under the provisions of the statutes of the State, in force at the time of such election, including the return of the ballots cast thereat, except as herein otherwise provided. But the ballots cast at municipal elections, and all ballots cast for municipal officers at any election, shall be officially canvassed by the common council, sitting as a board of canvassers.

When package
to be opened.

How municipal
elections con-
ducted.

SEC. 23. Whenever a question of bonding the city, or other special question, is proposed to be voted upon by the electors of the city, the substance of such question shall be clearly indicated upon the ballot, and below the same upon the ballot, shall be placed in separate lines the words "Yes" and "No." The elector shall designate his vote by a cross (x) placed opposite the word "Yes" or the word "No."

When question
of bonding the
city is to be
voted on.

SEC. 24. If at any election to be held in said city, there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person is voted for, for the said office, shall be designated on the ballot.

In case of
vacancy, etc.,
term of each
candidate to
be designated
on ballot.

SEC. 25. Immediately after the closing of the polls, the inspectors of election shall forthwith without adjournment, publicly canvass the votes received by them and declare the result, and shall, on the same or the next day, make a certificate stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election, or on the next day with the clerk of the city.

Inspectors to
canvass vote.

Certificate.

SEC. 26. It shall be the duty of the inspectors of election on receiving the ballot of an elector, to cause the same, without being opened or inspected, to be deposited in its proper box, provided by the common council for that purpose. The board of inspectors of election shall cause the name of each elector voting at any such election to be written down on poll lists to be kept by the clerks of election, under the supervision of said board.

Duty of
inspector on
receiving bal-
lot of elector.

SEC. 27. The manner of canvassing said votes shall be as follows: The inspectors shall proceed first to count the ballots unopened, and if the number of ballots so counted shall exceed the number of names of electors contained in the poll lists, one of the inspectors shall draw out and destroy as many as the number of ballots exceed the number of electors contained in

Manner of
canvassing
votes.

said poll lists; and if two or more ballots are found rolled or folded together, they shall not be counted, but shall be rejected; they shall then proceed to count said votes, as herein provided.

Who to be
elected.

In case no
officer has a
majority.

SEC. 28. The person having the greatest number of votes for any office in said city or ward, shall be deemed to have been duly elected to such office, and if any officer, except alderman, shall not have been chosen by reason of two or more candidates having received an equal number of votes, the common council shall by ballot, elect such officer from the two candidates having the highest number of votes.

Council to can-
vass votes.

SEC. 29. The common council of the preceding year shall convene on the Thursday next succeeding such election, at two o'clock in the afternoon, at their usual place of meeting; and the statement of votes filed with the clerk of the city, by the inspectors of election, shall be produced by said clerk, when the common council shall forthwith determine and certify, in the manner provided by law, what persons are duly elected at said election, to the several offices respectively. Such certificate shall be made in duplicate, one of which shall be filed with the clerk of the city, and the other with the clerk of the county of Kent. All officers elected as hereinbefore provided, shall enter upon the duties of their respective offices on the first Monday of May next following such election, unless otherwise herein provided.

Certificate.

Clerk to notify
officers elected.

SEC. 30. It shall be the duty of the clerk of said city as soon as practicable, and within five days after the meeting of the common council, as provided for in the preceding section, to notify the officers respectively of their election; and the said officers so elected and notified as aforesaid, shall, within ten days after the date of such notice, take the constitutional oath of office, before some person having general authority to administer oaths, and file the same with the clerk of the city, together with any bond which he may be required by law to execute and file as such officer.

In case of
vacancy in
office of alder-
man, council to
call special
election.

SEC. 31. Whenever a vacancy occurs in the office of alderman, by his refusal or neglect to take the oath of office within the time required by this act, by his resignation, death, ceasing to be an inhabitant of the city or ward for which he shall have been elected, removal from office, or by the decision of a competent tribunal declaring void his election, or for any other cause, the common council of said city shall immediately appoint a special election, to be held in the ward for which such officer was chosen, at some suitable place therein, not less than five days nor more than fifteen days from the time of such appointment: *Provided*, That in case any such vacancy shall occur in said office of alderman within three months before the first Monday of April in any year, it shall be optional with the common council to order a special election or not, as they shall deem expedient.

Proviso.

SEC. 32. In case a vacancy shall occur in any of the offices in this act declared elective, at any municipal election, except the office of alderman, or any judicial officer of the city, the same shall be filled until the next regular municipal election as follows: The mayor shall nominate a suitable person to fill such vacancy within a reasonable time thereafter, which nomination shall be subject to confirmation by the votes of a majority of all the aldermen elect of the common council. Any person so appointed as aforesaid, shall hold his office until his successor is elected and qualified. At the next regular municipal election after such appointment, as aforesaid, an election shall be had to fill such vacancy. In case a vacancy arises in any judicial office in the city, the same shall be filled in accordance with the general statutes of the State in relation thereto.

How vacancy
in other offices
filled.

SEC. 33. Whenever a special election is to be held, the common council shall cause to be delivered to the inspectors of election in the ward or precinct in which such officer is chosen, a notice signed by them specifying the officer to be chosen, and the day and place at which such election is to be held. The proceedings at such election shall be the same as at the annual municipal election or general election. Such notice shall also be published in the two official newspapers of the city, at least once before the day of such special election.

Proceedings in
case of a spec-
ial election.

SEC. 34. Every person appointed by the mayor, or nominated by the mayor and confirmed by the aldermen elect of the common council, and every person elected by the aldermen elect, before entering upon the duties of his office, and within five days after being notified of his appointment or election, shall cause to be filed in the office of the city clerk, a notice in writing, signifying his acceptance of said office.

Appointed
officers to
signify their
acceptance.

SEC. 35. If any person elected or appointed under this act, shall not take and subscribe the oath of office required therein, and file the same as directed; or shall not cause a notice of acceptance to be filed as therein directed, and if required, shall fail to execute and file an official bond, as therein required, the same shall be deemed a refusal to serve, unless before any steps are taken to fill any such office by another incumbent, such oath of office and acceptance are filed and if required, such bond executed and filed as required.

What deemed
refusal to
serve.

SEC. 36. At the expiration of twenty days after any election or appointment of any officer in said city, the city clerk shall deliver to the common council a list of all the persons elected or appointed to office, and of the offices to which they are chosen, specifying such as have filed with him the oath of office, or notice of acceptance required by this act, together with the bond, if any such bond is required by this act, and also those who shall have omitted to file the same within the time prescribed by the provisions thereof.

When clerk
shall deliver
list of officers
to council.

Resignation
of officers, to
whom made.

SEC. 37. Resignations of any officer elected by the council or at a municipal election, or nominated and confirmed, shall be made to the council, and subject to its approval and acceptance; resignations of officers appointed by the mayor shall be made to him, and, when accepted by him, shall be filed with the city clerk.

Where elector
shall vote.

Residence.

SEC. 38. At all elections every elector shall vote in the ward wherein he shall have resided twenty days next preceding the day of election at which he casts his vote. The residence of an elector under this act, shall be the ward where he boards or takes his regular meals.

In case in-
spectors fail
to attend
election.

SEC. 39. At an election held under this act, if from any cause, either or all of the inspectors of election shall fail to attend any such election at the appointed time and place, his or their place may be supplied for the time being by the electors present, who shall elect either of their number *viva voce*, who, when so elected, shall be duly sworn by an officer authorized to administer oaths, to a faithful performance of their duties.

Compensation
of members of
boards, etc.

SEC. 40. The several members of the boards of registration of said city, and of inspectors of election therein, shall receive for their services in that regard the sum of three dollars per day. The expenses of any election to be held, as provided in this act, shall be city charges, and defrayed in the same manner as other contingent expenses of the city.

Person to hold
office until suc-
cessor is elected
and qualified.

SEC. 41. Any person elected to any office under this act, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed and qualified; and when a person is elected to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified.

Reregistration,
when to take
place.

SEC. 42. There shall be a general reregistration of the electors of the city of Grand Rapids in the year nineteen hundred, in time for the general election of that year. There shall also be a general reregistration of the electors of said city every four years thereafter. The reregistration provided for in this section, shall be conducted in accordance with the provisions of the general registration law of the State, in force at the time such reregistration shall take place.

First regular
municipal elec-
tion, when to
be held, etc.

SEC. 43. The first regular municipal election held in the city after the passage of this act, shall be on the first Monday of April, eighteen hundred and ninety-seven, and the same shall be held in precisely the same manner and in all respects as if this act had not been passed; and like notice of the holding of the same shall be given, as is required by the act which is repealed by this act. Each succeeding regular municipal election in said city, shall be held on the first Monday in April in every year thereafter.

TITLE III.

POWERS AND DUTIES OF THE COMMON COUNCIL.

SECTION 1. The mayor and aldermen of said city shall constitute the common council; they shall meet at such times and places as they shall from time to time appoint, and on special occasions, whenever the mayor, or person officiating as mayor (in case of vacancy in the office of mayor, or of his absence from the city, or inability to officiate), shall by written notice appoint, which said notice shall be served on the members of said council by the marshal of said city, personally, or by leaving the same at the residence of said members at least eight hours before the hour of said meeting, which said notice shall specify the day, hour and place of meeting.

Council, who to constitute; time and place of meeting.

SEC. 2. The common council shall, on the first Monday in May, in each year, or within ten days thereafter, elect, by ballot, one of their number, who shall be known as president of the council, and who shall possess the same powers and perform and discharge the municipal duties of the mayor, during the absence, inability, death, resignation or removal of the mayor. The mayor, when present, shall preside at the meetings of the common council, and in his absence the president of the council shall preside, but if both the mayor and president of the council be absent, then the common council shall appoint one of their number who shall preside.

Council to elect president of council; duties.

SEC. 3. No ordinance, vote, motion or resolution passed by the common council shall have any force or effect, if, within twenty-four hours after its passage, the mayor or other officer legally discharging the duties of mayor, shall lodge in the office of the city clerk his reasons, in writing, why the same should not go into effect, and the same shall not go into effect nor have any legal operation unless it shall, at a subsequent meeting of the common council, be passed by a majority of two-thirds of all the aldermen of said city, then in office, and if so repassed, shall go into effect according to the terms thereof; and no ordinance, vote, motion or resolution of the common council shall go into operation until after the expiration of twenty-four hours after its passage, unless the mayor or other officer legally discharging the duties of mayor, shall sooner announce in writing, to be filed with the city clerk, his approval. The power of the mayor to veto any ordinance, vote, motion or resolution passed by said common council as in this section provided for, shall not only apply to the vetoing of the entire of any such ordinance, vote, motion or resolution, but said mayor shall have the power, in like manner, to veto any separate or distinct part of any such ordinance, vote, motion or resolution, in which event the part or portion so

Ordinances, when to have force.

Power of mayor to veto, etc.

Veto messages
to be filed with
clerk and pub-
lished.

vetoed shall not go into effect unless, in the manner in this section provided for, it be repassed, but the remainder and unvetoed part or portion of such ordinance, vote, motion or resolution shall go into effect as if no veto had been interposed by said mayor. Whenever the mayor shall, as in this section provided, lodge in the office of the city clerk his written reasons why any ordinance, vote, motion or resolution passed by the common council should not go into effect, such written reasons shall be filed by the city clerk in his office, who shall also endorse thereon a memorandum of the day and hour of the receipt thereof. Such written reasons shall be printed and published in the next issue of the official newspaper of said city, and such written reasons when so filed shall be a public record and open at all times to public inspection.

Clerk to com-
municate to
council paper
lodged with
him.

SEC. 4. It shall be the duty of the city clerk to communicate to the common council, at the next meeting of the board, any paper that may be lodged with him, pursuant to the last preceding section.

Vote of mem-
bers of council.

SEC. 5. In the proceedings of the common council, each member present shall have one vote, except the mayor, who shall only have a casting vote when the votes of the other members are equally divided; but the president of the council shall vote only as a member of said council, and shall not have the aforesaid casting vote.

Sittings of
council to be
public, etc.

SEC. 6. The sittings of the common council shall be public, except when the public interests shall, in their opinion, require secrecy. The minutes of the proceedings shall be kept by the clerk, and the same shall be open at all times to public inspection.

When votes of
members to be
entered on
minutes.

SEC. 7. Whenever required by two members of the common council, the votes of all the members present, in relation to any act, proceeding or proposition had at any meeting thereof, shall be entered at large on the minutes. And such votes shall be entered in relation to the adoption of any resolution or ordinance, report of any committee, or other act for taxing or assessing the citizens of said city, or involving the appropriation of public moneys.

Quorum, etc.

SEC. 8. A majority of the common council shall be a quorum for the transaction of business, but no tax or assessment shall be ordered, or any vote taken, or resolution ordered passed, the carrying out of which will involve the expenditure of money, the necessity of ordering a tax or assessment, except by a concurring affirmative vote of a majority of all the members elect of the common council, as decided by a vote of the yeas and nays. The final passage of any ordinance imposing a penalty, providing for a license or granting a franchise, shall require the concurring affirmative vote of a majority of all the aldermen elect of the common council as decided by a vote of the yeas and nays.

SEC. 9. No member of the common council shall, during the period for which he was elected, be competent to hold any office, elective or appointive, the emoluments of which are payable from the city treasury, or are paid by fees under the provisions of this act, or by virtue of any resolution or ordinance of the common council. He shall not be directly or indirectly interested in any contract as principal, surety or otherwise, the expense or consideration whereof are to be paid under any resolution or ordinance of the common council, or under any of the provisions of this act. But this section shall not be construed to prevent the mayor from receiving his legal salary, or any emolument, as provided for by this act, nor from holding any office not inconsistent with the provisions of this section; nor to deprive any alderman of any salary or emolument to which he may be entitled by virtue of his office as alderman of said city, nor from holding any office not inconsistent with the provisions of this section.

No member of council to hold any other office.

No member to be interested in any contract.

SEC. 10. The common council, in addition to the powers and duties specially conferred upon it in this act, shall have the management and control of the finances, rights and interests, buildings and all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the same as they shall deem proper and necessary; and further, it shall have power, within said city, to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as it deems desirable, within said city, for the following purposes:

Additional powers of council.

First, To prevent vice and immorality, to preserve public peace and good order, and to prevent and quell riots, disturbances, and disorderly assemblages;

Vice and immorality.

Second, To restrain and prevent disorderly and gaming houses, to destroy all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices and to regulate or restrain billiard tables and bowling alleys;

Disorderly houses.

Third, To restrain, license and regulate saloons or other places where intoxicating or spirituous liquors, or malt, brewed or fermented liquors are sold, or to be sold, and to regulate and prescribe the location thereof; to forbid and prevent the vending or other disposition of any intoxicating liquors in violation of the laws of the State. No person shall engage in the business of selling intoxicating or spirituous liquors, or malt, brewed or fermented liquors as aforesaid, until he has first obtained a license therefor by a vote of two-thirds of all the aldermen elect of the common council: *Provided*, That no license shall be issued to any person for the sale of any such liquors as aforesaid, until he shall have first paid the State tax for the sale of the same;

Liquors and auctions.

Proviso.

Fourth, To prohibit, restrain, or regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances, and other exhibitions for money;

Sports, exhibitions, etc.

To abate
nuisances.

Slaughter
houses, etc.

Cumbering of
streets.

Fast driving,
etc.

Routes and
grades of rail-
roads, etc.

Preserve the
salubrity of
waters of
Grand river.

Fifth, To abate or remove all nuisances of every kind, and to compel the abatement and removal of the same; to order and compel the owner or occupant of any grocery, tallow chandler's shop, butcher's stall or shop, soap factory, tannery, stable, privy, water closet, hog-pen, sewer or other nauseous or unwholesome house or place to cleanse, remove or abate the same from time to time, as often as the common council may deem necessary. To direct the location of all slaughter houses, rendering places, markets and market places. To prohibit any person from bringing or depositing any dead carcass or any other unwholesome or nauseous substance within the corporate limits of the city; and if any person shall have on any premises, owned or occupied by him, within such limits, any such substances, or any putrid meat, fish, hides or skins of any kind, which are unwholesome, nauseous or offensive, to order and compel the removal thereof, and in case of neglect or refusal of the owner or occupant of such premises to remove or abate the same, to authorize the removal, abatement or destruction thereof by some proper officer of the city. All for the health, comfort, safety and convenience of said city;

Sixth, To prevent the cumbering of streets, highways, crosswalks, lanes, alleys, courts, public grounds or public places, bridges, aqueducts, wharves or slips in any manner whatever;

Seventh, To require any horse, or other animal, attached to any vehicle, or standing in any of the streets, lanes, alleys, highways, courts, or public places or public grounds of said city, to be securely fastened, watched or held, and to secure the proper driving of the same through such streets, lanes, alleys, courts, public grounds or public places; to prevent horse racing and immoderate riding or driving in any such streets, lanes, alleys, courts, public grounds or public places; to authorize the stopping and detaining of any person violating any of the provisions of this subdivision, and to provide for the punishment of any such person;

Eighth, To determine and designate the route and grades of any railroad to be laid in said city; and to restrain and regulate the use of locomotives, engines and cars upon railroads within the city; and to compel the owners and managers of such railroads to station flag-men at street crossings, and to make such other rules and regulations concerning such railroads as to secure the safety of the citizens of said city;

Ninth, To preserve the salubrity of the waters of Grand river, or other public waters or streams within the corporate limits of said city; to provide for the cleaning of said river of driftwood and other obstructions; to regulate or prohibit bathing in said river, or any such water or streams; and to fill up all low ground or lots covered, or partially covered with water, or to drain the same, as the common council may deem expedient;

Tenth, To restrain drunkards, vagrants, mendicants and street beggars from soliciting alms, and to punish them for so doing; Vagrants, drunkards, etc.

Eleventh, To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine, and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding; Pounds.

Twelfth, To regulate and prevent the running at large of dogs, to prevent dog fights in the streets, and to provide for the destruction of dangerous and vicious dogs; to require the payment of a license by the owner or persons having possession of dogs, and to provide for the imposing of a fine upon such persons for refusing to pay such license; Dogs.

Thirteenth, To compel all persons to keep the sidewalks in front of premises owned or occupied by them clear from dirt, wood, or obstructions, and to compel every owner or occupant of any house or building and every owner or agent of any lot in the city of Grand Rapids, to keep said sidewalks free and clear from snow or ice and not to permit such snow or ice to remain thereon; Clearing of sidewalks.

Fourteenth, To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets; Ringing of bells.

Fifteenth, To regulate and establish the line upon which buildings may be erected upon any street, lane, or alley in said city, and to prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner or builder violating this provision, not to exceed five hundred dollars; Regulate building lines.

Sixteenth, To provide for the preservation of the general health of the inhabitants of said city; to make regulations to secure the same; to prevent the introduction or spreading of contagious or infectious diseases; to prevent and suppress diseases generally; to establish a board of health and to prescribe and regulate its powers and duties, subject to the provisions of this act; to regulate the burial of the dead, and to compel the return of births and deaths to be made to such board of health, and the return of all burial permits to said board; to provide for a complete record of all births, deaths and interments, to be kept in the office of said board of health; Preservation of general health. Burial of the dead.

Seventeenth, To establish and regulate the markets and market places of said city; to regulate the vending of hay, straw, fodder and other food of animals; to regulate the vending of meats, poultry, vegetables, fruits, fish, flour, meal, salt, milk, and all other food or food products, and all kinds of groceries and provisions, sold at wholesale or retail, in packages or otherwise, and to prescribe the time, manner and place for selling the same. To prohibit prevent and suppress the sale of every kind of nauseous, unsound or unwholesome meat, Markets for hay, wood, etc. Prevent sale of unwholesome meats.

Regulate
weights and
measures.

Proviso.

Sextons, under-
takers, etc.

Lighting of
streets.

poultry, vegetables, fruits, fish, flour, meal, salt, milk and all other food or food products, and all kinds of provisions sold by wholesale or retail; to punish all persons who shall sell the same or offer or keep the same for sale. To compel all persons selling milk, or keeping the same for sale, in said city, to procure a license therefor, and to be properly registered. To direct and regulate the inspecting and weighing of all meat, poultry, vegetables, fruit, fish, flour, meal, salt, milk and all food or food products, and all kinds of groceries and provisions sold at wholesale or retail, in packages or otherwise. To direct and regulate the measuring, gauging or weighing of all groceries, food and food products, liquid or solid, sold by measure, at wholesale or retail, in packages or otherwise. To regulate the weights and measures to be used in said city, and to compel every merchant, retailer, trader and dealer in merchandise, groceries, provisions, or articles of every description which are sold by measure or weight, to use weights and measures to be sealed by the city sealer, and to be subject to his inspection and alteration, so as to be made conformable to the standard of weights and measures established by the general laws of the State. To direct and regulate the inspecting and measuring of wood, lumber, shingles, timber, posts, stone, heading and all building material; the inspecting, weighing and measuring of coke and all kinds of coal, and the inspecting of hay, straw, fodder and other food products for animals. To provide for the appointment of one or more inspectors, measurers, weighers, and gaugers of all products to be inspected, measured, weighed or gauged, and to prescribe and regulate their powers and duties, and to fix their compensation. To punish any person who shall violate any ordinance or other measure or regulation passed by it, in pursuance of the provisions of this subdivision. To impose a reasonable license fee upon the persons engaged in such respective business: *Provided*, That nothing herein contained shall authorize the common council to restrain in any way or license the sale of fresh [and] or wholesome meat by the quarter, within the corporate limits of said city; nor to prohibit any farmer selling without a license the products of his own farm, within said corporate limits. Nothing herein contained shall be construed to authorize the inspection, weighing, measuring or gauging of any article or product which is to be shipped beyond the limits of this State, except at the request of the owner thereof, or of the agent having charge of the same;

Eighteenth, To pass all needful ordinances and regulations governing sextons and undertakers for burying the dead, and scavengers and chimney sweeps, and regulating their compensation, and the fees to be paid by them for licenses;

Nineteenth, To provide for and regulate the lighting of streets, highways, alleys, lanes, courts, public places and public grounds and public buildings in the city, and to enter into

contracts in relation to the same, provided that no such contract shall extend beyond a period of three years at any one time; to provide for the protection of public lamps and other lighting apparatus of the city, and to employ a suitable person or persons to superintend the same, and to prescribe the duties of such superintendent, and fix the compensation therefor;

Twentieth, To provide for the punishment of vagrants and all persons drunk or disorderly on the streets or public places of the city; Punish
vagrants, etc.

Twenty-first, To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of said city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law; Prescribe
duties of
officers, etc.

Twenty-second, To provide for and regulate the election and appointment of all officers, and for their removal from office, and for the filling of vacancies, subject to this act; Appointment
and removal of
officers.

Twenty-third, To authorize and regulate the demand and receipt by officers, of such fees and costs, and in such cases as the common council may deem reasonable; Fees.

Twenty-fourth, To provide for public parks and squares, make, grade, improve and adorn the same, and all grounds in said city belonging to, or under the control of the corporation, and to control and regulate the same, consistently with the purposes and objects thereof; Public parks.

Twenty-fifth, To sell or otherwise provide for the disposal of all dirt, filth, manure, cleanings and all other substances, lying in or gathered from the highways, streets, avenues, lanes, courts, alleys and public places and public grounds, to be disposed of by the city of Grand Rapids; to sell or otherwise dispose of all earth to be removed from such highways, streets, avenues, lanes, courts, alleys, public places and public grounds of said city in grading, paving or otherwise improving the same. Disposal of
filth.

Twenty-sixth, To provide for and regulate the cleaning of the highways, streets, avenues, lanes, alleys, courts, public places and public grounds, crosswalks and sidewalks in the city; to remove any obstructions therefrom; to prohibit and prevent the exhibition of signs on canvass or otherwise, in and upon any vehicle, standing or moving upon the streets of the city; to control, prescribe and regulate the mode of constructing and suspending awnings, and the suspension of signs thereon; to control, prescribe and regulate the manner in which the highways, streets, avenues, lanes, alleys, courts, public grounds and public places within said city shall be used, and to provide for the preservation of and the prevention of injury Cleaning of
streets, etc.

To prevent frightening horses in streets.	<p>to the gutters, street lawns and parks, in said highways, streets, lanes, alleys, courts, public places and public grounds;</p> <p><i>Twenty-seventh</i>, To prohibit all practices, amusements and doings in said streets, having a tendency to frighten teams and horses, or dangerous to life or property, and to punish persons indulging therein; to remove or cause to be removed therefrom, all walls and structures that may be liable to fall therein, and in thus falling endanger life or property, or cause bodily harm; and to provide for and regulate the erection and use of suitable hitching posts and blocks in the city;</p>
Riots.	<p><i>Twenty-eighth</i>, To prohibit and prevent any riot, rout, disorderly noise, disturbance, or assemblage in the streets or elsewhere in the city and to preserve quiet and order therein at all times;</p>
Indecent exposure, etc.	<p><i>Twenty-ninth</i>, To prohibit or prevent in the streets or elsewhere in said city, indecent exposure of the person, the show, sale or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings and books, and all indecent or obscene exhibitions or shows of any kind;</p>
Drains, sewers, etc.	<p><i>Thirtieth</i>, To establish, construct, maintain, repair, enlarge and discontinue within the highways, streets, avenues, lanes, alleys and public places of said city such bridges, culverts, sewers, drains, and lateral drains and sewers, as the common council may see fit, with a view to the proper draining and sewerage of said city; to compel the owners or occupants of all occupied lots, premises and sub-divisions thereof within said city, to construct private drains and sewers therefrom to connect with some public sewer or drain; said private drains and sewers shall be constructed in such manner and of such form and dimensions and under such regulations as the board of public works may prescribe;</p>
Assessment of taxes.	<p><i>Thirty-first</i>, To assess, levy and collect an annual assessment or tax on the real and personal property of said city, for the purpose of cleansing and keeping in repair the public sewers of said city;</p>
Boundaries of streets.	<p><i>Thirty-second</i>, To survey and establish the boundaries of the city and [of] all highways, streets, avenues, lanes, alleys, courts, public parks, squares, public grounds, and public places; to prohibit and remove all incumbrances and encroachments on the same by buildings, fences, or in any other manner; to prohibit the use of barbed wire for fences on street lines, and to regulate its use in other places in said city; to number buildings, the expense of such numbering to be assessed against and collected out of the owner thereof; to regulate the planting, preservation and removal of shade, ornamental or other trees in the public streets, avenues, courts, public grounds and public places, and the trimming and care thereof, and the trimming and care of trees adjoining thereto, in such manner as not to interfere with public travel or obscure public lights thereon, and to require the same to be done at the expense of the owner</p>
Planting and care of shade trees.	

of the premises adjoining the same; and if such owner shall refuse or neglect, after reasonable notice so to do, to conform to such regulations, to cause such regulations to be carried out and enforced at the expense of the city, and to be assessed upon and to become a lien upon such adjoining premises until paid, and collected in the manner and in accordance with sections nineteen, twenty and twenty-one of Title V of this act, for the assessment of the expense of constructing and repairing sidewalks;

Thirty-third, To regulate plumbing, house draining and ventilation, to appoint an inspector of plumbing, and to regulate his duties and provide for his compensation; to direct and regulate the location, construction and alteration of all cellars, slips, barns, private drains cesspools, sinks, privies, and water closets; to compel all owners or occupants of houses or premises to fill up, drain, cleanse, alter, relay or repair the same, and to compel the owners or occupants of houses or premises having water closets attached thereto to use the water from the water mains of the city in order to properly cleanse the same; to compel the owners or occupants of houses or premises to repair or renew all defective, broken or worn out plumbing, and to provide sufficient and proper ventilation and plumbing in and around their buildings and premises, or cause the same to be done by some proper person designated in the ordinance governing the same, and assess the expense thereof on the lot, building and premises having such cellar, slip, barn, private drain, cesspool, sink, privy or water closet thereon, or having the repairs, renewals and insufficiencies in the drainage, ventilation or plumbing made in the building or on the lot or premises, which assessment shall be a lien on the lot, building and premises and appurtenances thereto, until paid, to be collected in the manner and in accordance with the provisions of sections nineteen, twenty and twenty-one of Title V of this act, for the assessment of the expense of constructing and repairing sidewalks; to direct and regulate the construction of lateral sewers or drains for the purpose of effectually draining all lots, cellars, yards, low grounds and sinks within the city, whenever it may be necessary: *Provided*, That if such lateral sewer or drain be laid or constructed through any of the streets, lanes, alleys, courts, avenues, public grounds or public places adjoining or in front of the premises through which such sewer or drain shall be ordered constructed, the expense thereof shall be assessed on such lots and premises benefited thereby, which assessment shall be a lien upon such lots and premises until paid, and shall be collected in the same manner as like assessments imposed by the authority of the common council, are collected;

Plumbing,
draining, etc.

Proviso.

Thirty-fourth, To prohibit, prevent and suppress the keeping of houses of ill-fame or assignation, or for the resort of common prostitutes, and disorderly houses or places of all kinds;

Houses of
ill-fame.

to restrain, suppress and punish the keepers of all such houses and places as aforesaid; to punish common prostitutes and disorderly persons of all kinds; to prohibit, prevent and suppress mock auctions, and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing, or attempting to manage, use or practice the same, and all persons aiding or abetting in the management, use or practice thereof. To prohibit, restrain or prevent persons from gaming for money or other property or thing, with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines or other instruments, or device whatsoever, in any building or place in the city, and to punish the person keeping the building, instrument or means for such gaming, and to compel the destruction thereof. To prevent, prohibit and suppress all lotteries for drawing and disposing of money, or any other property or thing whatever, and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, direction or management thereof;

Soliciting
guests.

Thirty-fifth, To license and regulate solicitors of guests for hotels, taverns, restaurants, public houses or other public places; to license and regulate solicitors for passengers or baggage for the benefit of any railroad, boat, street car, omnibus, stage or other public conveyance. To license and regulate draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, stages, carriages, sleighs, express vehicles, and vehicles of every description used and employed for hire, and to fix and regulate the amount and rate of their compensation. To prescribe and designate the stands, places and locations in the city, within which all such solicitors and persons as aforesaid may operate, and all such conveyances and vehicles as aforesaid may stand; and to prescribe the stands, places and locations in which all wood, hay, straw, produce and all goods, wares and merchandise of whatever nature, exposed for sale in the city, may stand;

Auctioneers,
peddlers, etc.

Thirty-sixth, To license and regulate auctions and auctioneers, hawkers, peddlers, pawnbrokers, junk dealers, dealers in second hand goods and merchandise, and transient tradesmen—whoever loans money on deposit or pledges of personal property, or who purchases personal property or choses in action, on condition of selling the same back again at a stipulated price, is hereby defined and declared to be a pawnbroker. To license and regulate employment agencies and [offices] officers, intelligence offices, labor bureaus, and all persons whose business it is to find employment for others for hire or reward, to require references and bonds to be given by every person, company, corporation or association engaging in such business, before the same shall be licensed, in order that the public and persons dealing with such offices and agencies may be protected; to license and regulate bill posting, the putting up of

advertising signs or matter, and the distributing of such matter in the city;

Thirty-seventh, To prohibit and prevent, or license and regulate public exhibitions, by itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen and shows of any kind; Exhibitions by itinerants.

Thirty-eighth, To license and regulate the keepers of hotels, taverns and other public houses, keepers of ordinaries, saloons and victualing houses or places for furnishing meals or food; Hotels, public houses, etc.

Thirty-ninth, To license and regulate butchers, to license and regulate or suppress hucksters, and to license and regulate the keepers of shops, stalls, booths or stands at markets or any other place in said city for the sale of any kind of meat, fish, poultry, vegetables, food or provisions; Butchers, hucksters, etc.

Fortieth, To tax and regulate keepers of billiard tables, pin alleys, nine or ten pin alleys, but not for the purpose of gaming; Billiard tables.

Forty-first, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing in cars or any other mode to said city, from any other place, any pauper or other person likely to become a charge upon said city, and to punish therefor; Paupers.

Forty-second, To provide for the burial of indigent strangers who may have died within the city, and for the burial of poor deceased persons who, before their deaths, resided in the city; Burial of strangers.

Forty-third, To erect and provide for the erection of a city hall and all needful buildings and offices for the use of the corporation, or of its officers, and to control and regulate the same; City hall.

Forty-fourth, To establish, organize and maintain an almshouse department, and to purchase the necessary grounds, erect and provide for the erection of the necessary buildings therefor, either within or without the city limits, and to appoint the necessary officers therefor and provide for the government thereof; Almshouse.

Forty-fifth, To establish and build jails, workhouses and houses of correction for the confinement of offenders; to erect and provide for the erection of the necessary buildings therefor, and control and regulate the same; to appoint all necessary officers for taking charge of the same, and of persons confined therein; to prescribe their powers and duties and provide for their removal from office, and the filling of vacancies; Jails, etc.

Forty-sixth, To provide for the imprisonment and confinement in said jails, workhouses and houses of correction, or in the common jail of the county of Kent, at hard labor, or otherwise, all persons liable to be by law imprisoned under this act, or under any ordinance of said common council, whenever convicted of a violation thereof by any court having jurisdiction of the same; Punishment of offenders.

Speed of cars. *Forty-seventh,* To prescribe and regulate the speed of cars and engines on railroads within the limits of said city, and to prohibit railroad cars from standing across or otherwise obstructing the streets thereof;

Licenses. *Forty-eighth,* To authorize the granting, issuing and revoking of licenses in all cases where licenses may be granted and issued under this act and the ordinances and regulations of the common council; to direct the manner of issuing and registering the same, and by what officer they may be issued or revoked and to prescribe the sum of money to be paid therefor into the city treasury. No license shall be granted for more than one year and the person receiving the same shall, before the issuance thereof, execute a bond to the city in such penal sum as the common council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of this act, and the ordinances and regulations of the common council, and otherwise conditioned as the common council may prescribe. The officer authorized to issue said license may inquire into the sufficiency of the sureties on such bonds, by an examination under oath or otherwise, as to their property and responsibility, which oath may be administered by such officer;

Taxes for corporation purposes. *Forty-ninth,* To assess, levy and collect taxes for the purpose of the corporation upon all property made taxable by law for State purposes, which taxes shall be a lien upon the property taxed until paid; and to provide means for carrying into effect the powers herein conferred; to make regulations for assessing, levying and collecting said taxes and to sell the property taxed to pay the taxes thereon;

Debt and expenses of city. *Fiftieth,* To appropriate money, provide for the payment of the debt and expenses of said city, and make regulations concerning the same, subject to the provisions of this act;

Punishment for violations of this act. *Fifty-first,* To provide for the punishment of all offenders for violations of, or offenses against this act, or against any ordinance of the common council enacted in pursuance of the powers herein conferred upon it, or in pursuance of any act of the legislature, by holding to bail for good behaviour, by imposing fines, penalties, or forfeitures and costs, or by imprisonment in the jail of Kent county at hard labor, or in any city penitentiary, house of correction, jail or workhouse in the city, or in any State house of correction, or the Detroit House of Correction, or by both fine and imprisonment in the discretion of the court before whom a conviction may be had. All punishments for offenses against any of the ordinances of the common council shall be prescribed in the ordinance creating or specifying the offense to be punished, and no penalty, fine or forfeiture shall exceed the sum of five hundred dollars, exclusive of costs, and no imprisonment shall exceed the period of one year. If only a fine, penalty or forfeiture with costs, be imposed, the offender may be sentenced until the payment thereof, for a term not exceeding six months;

Fifty-second, To provide for the employment of all persons confined for the non-payment of any fine, penalty, forfeiture or costs, or for any offense under this act, or any ordinance of the common council, in the common jail of the county of Kent, or in any jail, workhouse, or house of correction in said city, at work or labor, either within or without the same, or upon the streets of said city, or any public work under the control of the common council; to allow any person thus confined for the [non] payment of any fine, penalty, forfeiture or costs, to pay and discharge the same by such work or labor, and to fix the value and rates of such work and labor;

Employment of prisoners.

Fifty-third, To provide for printing and publishing all matters required to be printed and published under this act, or by order of the common council, in such manner as said council may prescribe;

Printing.

Fifty-fourth, To provide for the taking of a census of the inhabitants of said city, whenever the common council may see fit, and to direct and regulate the same;

Census.

Fifty-fifth, The common council shall have power by concurrent vote of two-thirds of all the aldermen elect of the common council to purchase and sell real estate for the use of the city for corporate purposes. It shall also have power to purchase, hold and use suitable grounds within or without the corporate limits of the city, for the purpose of establishing and maintaining thereon suitable jails, penitentiaries, houses of correction and workhouses for the confinement of offenders, and may provide for the government of the same and of the persons confined therein;

Power to purchase and sell real estate.

Fifty-sixth, The common council shall have power to enter into contracts for the depositing of city funds for a period not exceeding three years, and to make contracts for other purposes, wherever authorized to do so by the provisions of this act, but in no instance shall a contract of any nature whatever extend beyond a period of one year from the time of the execution thereof, unless a further time is otherwise provided for in this act;

Contract for depositing of the city funds.

Fifty-seventh, It shall have power to regulate and license telephone companies, telegraph companies, electric lighting companies, gas companies, and to prescribe certain rules for the regulation thereof; it shall have power in granting any franchise whatever to any individual, individuals, corporation, association or company, to reserve the right to impose and collect reasonable annual license fees, levied by any method except a percentage of the grantee's gross receipts, and not exceeding in any year five per cent of such receipts.

License telephone and telegraph companies.

SEC. 11. The common council may, by ordinance or otherwise, ascertain, establish and settle the boundaries of all public streets, highways, lanes, alleys, courts, public grounds and public places in said city; to provide for the punishment of all persons who shall encumber and encroach upon the same.

Council may establish boundaries of streets.

The common council shall have full power to lay out, establish, open, extend, widen, straighten, alter, close, fill in, grade, vacate or abolish any street, highway, lane, alley, court or public place or public ground in said city, or any sewer therein; to grade any such highway, street, lane, alley, court, public ground or public place, whenever the common council shall deem it a necessary public improvement, and private property may be taken therefor in the manner provided for in this act, or by the general laws of the State.

When necessary to take private property.

SEC. 12. Whenever the common council shall determine by resolution that the opening, extension, widening, altering or straightening of any street, highway, lane, alley, court, public ground or public place, or the construction of any sewer in said city is a necessary public improvement, and that it is necessary to take private property therefor, it shall be lawful for said common council to negotiate with the owner thereof for the purchase and conveyance of the same to the city, and to devote the same to the public use described in the resolution, and to no other use whatever. In case any such negotiation shall result in the sale and conveyance of such private property to said city, for the public use described in said resolution, it shall be lawful for the common council, if it believes that a portion of the real estate in said city adjacent to, or in the vicinity of said proposed improvement, will be benefited by such improvement, to determine the same by an entry in its minutes to that effect, and also to determine and declare that the whole or any just proportion of such purchase price shall be assessed upon the owners of the real estate deemed to be thus benefited, which determination and declaration shall be entered in its minutes; and shall thereupon by resolution, fix, determine and declare the district, or portion of real estate in said city deemed to be benefited thereby, and specify the amount to be assessed upon the owners of such taxable real estate therein.

Assessment of benefits on lands benefited.

What provisions apply.

SEC. 13. The amount of the benefit thus ascertained shall be assessed upon the owners of such taxable real estate, in proportion, as near as may be, to the advantage which each lot, parcel or subdivision shall be deemed to be benefited by such improvement. The provisions of section fifteen of act number forty-eight of the public acts of one thousand eight hundred and eighty-seven, relating to the assessment of compensation awarded by a jury for property taken for public use in the cities and villages of this State, and any acts amendatory thereof, and the provisions of this act relating to the levying and collecting of the expense of a public improvement assessed upon a district deemed to be benefited thereby, and all proceedings incident thereto, as provided in this act, shall apply to the assessments to provide for the payment of such purchase price, as far as the same are consistent with the provisions of this section and with the two preceding sections. Said assessments shall be and shall remain a lien upon the real estate so assessed until such assessments are paid.

SEC. 14. The common council shall also have power, by ordinance or otherwise, to require the owners or occupant of any mill-race within the said city to cover or otherwise guard the same with bridges, arches, or fences to be constructed with good and durable material, or they may direct the same to be covered in the same manner that other public improvements are directed to be made, and pursuant to the provisions of Title five (V) of this act, so far as the same are applicable.

Mill race to be covered.

SEC. 15. Whenever the owner or occupant of any mill-race shall refuse or neglect, within such reasonable time as the common council shall have appointed, to cover such mill-race in the manner and with the material directed by it, it shall be lawful for the common council to cause the same to be done at the expense of the city, and the same shall become a lien upon the mill property to which said mill-race is attached, until paid. Such expense shall be assessed upon such mill property and collected in the manner and in accordance with sections nineteen, twenty and twenty-one of Title [V] five of this act, for the assessment and collection of the expense of constructing and repairing sidewalks.

In case of neglect of the owner to cover race.

SEC. 16. All fines, penalties and forfeitures may be sued for and recovered with costs, in the name of the city of Grand Rapids, and such suit may be commenced by summons or warrant in any court of competent jurisdiction. For the recovery of fines, penalties or forfeitures against railroad or other corporations, imposed by virtue of any provision in this act, or by virtue of any ordinance of the common council, suit may be commenced in form as aforesaid, in the superior court of Grand Rapids, and prosecuted to effect therein.

Fines, penalties and forfeitures may be recovered.

SEC. 17. It shall be the duty of the keeper of [the] Kent county jail, or the keeper of any city penitentiary, city jail, city house of correction or city workhouse, or of any other person having charge of offenders therein, or the keeper of the Detroit House of Correction, or of any State house of correction, or other person having charge thereof, whenever any offender shall be sentenced to hard labor, and any mode of labor shall be provided for in such places, to cause him to be kept constantly employed during every day he is able to work, except Sundays and legal holidays, for at least ten hours each day; and in case such places are within the jurisdiction of the municipal government of the city, to account for the proceeds of such labor, at such times as the common council may direct. If any such offender shall be refractory, or shall refuse to obey the orders of such keeper, or other person in charge of him, in relation to such work, such keeper or other person may cause such refractory offender to be kept in solitary confinement for any time, not exceeding ten days for any one offense, and during such confinement such offender may be fed on bread and water only: *Provided*, That nothing herein contained shall be construed to interfere with, or in any manner modify or affect

Employment of prisoners.

Proviso.

any existing law relating to those places of imprisonment aforesaid, or the government thereof, which are located beyond the limits of the county of Kent.

When ordinance to take effect.

SEC. 18. No ordinance of the common council imposing a penalty shall take effect until after the expiration of at least three days after the first publication thereof in one or more of the official papers published in the city.

Entry by clerk to be evidence of publication.

SEC. 19. A record or entry made by the clerk of said city, or a copy of such record or entry, duly certified by him, shall be *prima facie* evidence of the time of such first publication; and all laws, regulations, and ordinances of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board, in which it shall be necessary to refer thereto, either from the record itself, or

First, From a copy certified by the clerk of the city, with the seal of the city of Grand Rapids affixed; or

Second, From the volume of ordinances printed by authority of the common council.

Notices to be published in the official newspapers.

SEC. 20. Whenever the common council is required by law to make publication of any notice, ordinance, resolution or proceeding of any kind, in one or more newspapers of the city, it shall be deemed to mean the official newspapers of the city.

Council to audit and settle accounts of city.

SEC. 21. On the last Tuesday in the month of April, in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city, or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent expenses; the amount raised for lighting and watching the city; the amount of highway taxes and assessments for opening, paving, planking, repairing and altering streets, and building and repairing bridges; the amount borrowed on the credit of the city, and the terms on which the same was obtained; and such other information as shall be necessary to a full understanding of the financial concerns of the city.

Make statement of receipts and expenditures.

Statement to be published.

SEC. 22. The said statement shall be signed by the mayor and clerk, and filed with the clerk of the city, and the same shall be published by the clerk, at the expense of the city, in one of the official newspapers thereof, to be designated by the common council, previous to the first Monday in May thereafter.

Officers to be appointed by council.

SEC. 23. The common council shall have power to appoint an inspector of gas meters, a city electrician, and an examiner of engineers of stationary engines, within the city, and to prescribe their powers and duties, and fix their compensation.

SEC. 24. The common council of the city of Grand Rapids shall have power to contract with the proper authorities of the House of Correction of the city of Detroit, that the said house of correction may receive and hold in charge and custody all persons who have been sentenced to imprisonment in said house of correction by the proper courts of said city of Grand Rapids, during the term of such imprisonment.

Council to contract for care of prisoners at Detroit House of Correction.

SEC. 25. All the plans and specifications and matters connected therewith, for the construction and repair of buildings within the city, shall be submitted to the building inspector, who shall issue a building permit, upon approval by him of such plans, specifications and matters connected therewith, under such ordinances, rules and regulations as shall be prescribed by the common council. The common council shall prescribe the duties of the building inspector and fix his compensation.

Building inspector.

Duties and compensation.

SEC. 26. Said building inspector, when he shall have been so appointed and shall have duly qualified, shall, in addition to the powers herein expressly conferred, be vested with and possess the powers conferred upon boards of building inspectors by sections two thousand ninety-eight, two thousand ninety-nine, two thousand one hundred and two A, two thousand one hundred and two B, two thousand one hundred and two C, two thousand one hundred and two D, two thousand one hundred and two E, two thousand one hundred and two F, of Howell's annotated statutes of the State of Michigan, so called, being "The general statutes of the State of Michigan in force," compiled and annotated by Andrew Howell.

Powers of building inspector.

SEC. 27. In case any expense is incurred by the city of Grand Rapids in pursuance of any action or recommendation of said building inspector, in relation to any building, while in the discharge of his duties, such expense shall be a personal charge against the owner of the building, and may be collected of him in the name of the city of Grand Rapids, in any competent court having jurisdiction thereof; and in case any expense is incurred by said city in abating or in removing a public nuisance, growing out of the condition or location of a building, such expense shall be a personal charge against the owner of such building and may be collected of him in the name of the city, in any competent court having jurisdiction thereof. In either of the foregoing cases such expense so incurred by the city, shall be and remain a lien upon such building, and the premises upon which the same may be located, and the appurtenances thereto, until such expense is paid; and such expense may be assessed upon such building and premises and the appurtenances thereto, and collected in manner and in accordance with the provisions of sections nineteen, twenty and twenty-one of title V of this act, for the assessment and collection of the expense of constructing and repairing sidewalks.

Expense of inspecting building, etc., to be borne by owner.

Stringing wires
in the streets.

SEC. 28. The common council shall have power to regulate by ordinance, the business of stringing wires in the streets and public places of said city for the purpose of conducting electric currents and regulate the business of wiring buildings for conducting electric currents into and through the same; and to cause persons engaged in the erection and maintenance of such wires and the wiring of buildings, to submit plans and specifications in that regard to the city electrician for his approval thereof.

Council to pay
interest on
bonded debt.

SEC. 29. The common council shall, in each year, provide for the payment of the interest on the bonded debt and all other liabilities drawing interest, by taxation levied upon the real estate and personal property in the city, not exempt from taxation by the general laws of the State, and upon all the personal property of residents of the city, not exempt from taxation by such general laws, if other resources are insufficient; and it shall provide for the prompt payment of such bonded indebtedness or other liabilities as they mature. The common council may issue new bonds for such purpose, bearing a legal rate of interest, and not having more than twenty years to run, and dispose of the same; or it may, at its discretion, levy and collect a tax, not exceeding two mills on a dollar in any one year, on the real estate and personal property as aforesaid, which tax, when collected, shall be used exclusively, first, for the payment of matured bonds or other matured liabilities drawing interest, or bonds or other liabilities drawing interest, maturing within the year in which the tax was levied; and second, the common council may order the purchase of unmatured bonds or other liabilities drawing interest or establish a sinking fund to meet the same, or it may deposit the money so raised in such bank or banks as will pay satisfactory interest thereon, and give satisfactory security therefor, until such time as such matured bonds or other liabilities of the city, drawing interest, may mature or until the same can be purchased on terms satisfactory to the common council.

May issue new
bonds.

Council to settle and allow
accounts
against city.

SEC. 30. The common council shall settle and allow all accounts and demands properly chargeable against said city, as well of its officers as other persons, and shall have authority to provide means for the payment of the same, and for defraying the contingent expenses of said city, subject only to the limitations and restrictions in this act contained.

Council may
borrow money
to pay ex-
penses.

SEC. 31. The common council may borrow temporarily, on the faith of the city, a sum not exceeding twenty thousand dollars in any one year, at a legal rate of interest per annum, for the purpose of paying that portion of the expenses and liabilities of said city for the current year which, for any reason, the revenues thereof shall not be sufficient to meet, which said amount so borrowed shall be assessed and collected in the general assessment roll for the ensuing year;

and for such purpose may issue the bonds of the city, signed by the mayor, and countersigned by the comptroller and with the seal of the city affixed thereto, in such form and for such sums (subject to the limitations herein contained) as the council shall direct; and such bonds shall be disposed of under the direction of said council, upon such terms as it shall deem advisable, but not for less than their par value, and the avails thereof shall be applied to the purposes in this section mentioned, and for no other purpose whatever.

SEC. 32. It shall not be lawful for the common council (except as herein otherwise provided) to borrow money or authorize the creation of any liability or indebtedness against said city in any one year, exceeding in the aggregate the amount which, by this act, may be raised by tax for such year, and in case any sum or sums of money shall be borrowed by said common council in any one year, or the said common council, or any officer thereof, shall enter into any contract or contracts for the payment of money binding upon said city, the same shall be paid out of the sums raised by tax for such year, if the payment thereof is not otherwise provided, and all sums of money borrowed by said city, shall be applied to the purposes for which the same was borrowed, and for no other purpose whatsoever; but nothing in this act contained shall be construed to prohibit said common council from making assessments and levying and collecting taxes for the purposes of local improvements.

What amount of money to be borrowed and for what purposes.

SEC. 33. For the purpose of defraying the expenses and non-interest bearing liabilities incurred by the city, and for highway and sewer purposes and paying the same, and for the purpose of creating and replenishing the funds provided for in this act, the common council may raise annually by taxation, levied upon the real estate and personal property in the city, not exempt from taxation by the general laws of the State, and upon all the personal property of residents of the city, not exempt from taxation by such general laws, such sum as it may deem necessary, not exceeding one and one-half per cent on the valuation of such real estate, and personal property, according to the valuation to be taken from the assessment rolls for the year preceding the levying of such tax; and the sum or sums to be raised shall be apportioned between the several wards of said city, in the manner in this act provided: *Provided*, That such limitation shall not apply to the raising of any sum of money necessary to be raised by taxation upon such real estate and personal property for the purpose of paying the principal of any bonded indebtedness of the city arising from a loan for a term of a year or years, or the interest thereon, or both principal and interest, according to the terms of such indebtedness.

Taxes may be raised for paying necessary expenses.

Limit.

SEC. 34. Whenever, in the opinion of the common council, any fence, building, erection of any kind, or any part thereof, is liable to fall, whereby persons and property are endangered,

Council may order dangerous buildings to be torn down.

In case of neglect to comply.

it may order any owner of the real estate on which such building, fence or other erection stands, to take down the same, or any part thereof, within such a time as the case may require, and in case such order is not complied with, the city may cause the same, or any part thereof to be taken down, at the expense of the city, on account of the owner, and assess the expense thereof on the real estate on which such building, fence or erection stood, and enforce payment thereof in accordance with sections nineteen, twenty and twenty-one of title V. In case the owner of the real estate is a non-resident of the city, the order, if not immediate in its terms, may be served upon any occupant of the real estate, or if there is no occupant thereof, the same may be published in one of the official papers of the city for such time as the common council may direct, or by posting the same in some conspicuous place on said premises.

Official newspapers.

SEC. 35. The common council of the city shall annually contract with the publisher or publishers of one or more daily newspapers, published and circulated therein, to do the public printing of said city, or some portion thereof, which contract shall be let to the lowest bidder therefor. Such newspaper or newspapers, during the continuance of such contract, shall be known as the official newspaper or newspapers of the city. In letting such contract the common council shall have power to reject any or all bids therefor, whenever in the judgment of a majority of said common council, the public interests of the city may require it.

Perpetuation of evidence of title to real estate.

SEC. 36. It shall be the duty of the common council to adopt, by ordinance or otherwise, such measures as it may deem expedient to perpetuate the evidence of title to real estate in said city, by the preservation of maps, plats, records and papers relating thereto, or by duly certified copies thereof, which, when certified to and filed as prescribed by ordinance or otherwise, shall be received in evidence in all courts and proceedings.

May tax insurance companies.

SEC. 37. The common council shall have power to impose a tax upon all insurance companies which do business and have agencies in said city, and to provide, by ordinance or otherwise, for assessing and collecting the same, and also for compelling the agents or officers of such companies, under penalties in said ordinance or otherwise, to be prescribed, to deliver to the board of assessors of said city, a statement under oath, within such time as shall be designated in said ordinance or otherwise, of the gross amount received by the respective companies for premiums upon their policies issued during the preceding year, upon all property insured by them within the corporate limits of said city: *Provided*, That said tax shall not exceed the sum of two per cent upon the whole amount of such premiums received by any one company, and that such per cent shall serve only as a limitation of the

Proviso.

amount of tax which can be imposed upon such company, and not to the method of levying the same, which shall, in no instance, be upon a basis of a percentage of such premiums. The taxes collected under the provisions of this section shall be paid into the fire department fund.

SEC. 38. The common council shall have charge and control of the market buildings and market grounds of the city, and of all public buildings, and the grounds thereof, except public school buildings, and public school grounds, and of all other public grounds and public places belonging to the city. It shall be the duty of the common council to keep them and the grounds thereof, in such shape and repair as will conduce to the convenient and profitable use thereof. It shall also be the duty of the common council to keep the same clean and free from all filth and matter of every kind deleterious to public health. In order to properly discharge the duties imposed upon it by this section, the common council shall have power to employ all needful help upon such grounds and places and in said buildings, as it may deem necessary for the proper care and supervision of the same, and may also expend such moneys in relation thereto as it may deem advisable; and in all things to see that the interests of the city in such buildings, grounds and places are properly taken care of and protected: *Provided*, That none of the provisions of this section shall apply to any of the buildings and grounds specially under the control of any of the municipal boards of the city.

Council to control market ground and buildings.

Proviso.

SEC. 39. It shall be the duty of the common council to declare any place, thing or matter, which may be deleterious to public health, or dangerous to persons or property, a public nuisance, and whenever its attention, or the attention of its proper officer or officers is called to any such nuisance, it shall immediately proceed to abate the same. It shall have power to pass all legal by-laws, ordinances or regulations which, in its judgment, it may deem necessary to carry into effect the duties imposed upon it by this section.

Council to abate nuisances.

SEC. 40. Any building composed of wood or other combustible material, erected in or removed into any part or portion of said city, wherein the erection or removal of such building is prohibited by any ordinance of the common council, shall be deemed, and is hereby declared to be a public nuisance, and the said common council may take measures to abate and remove the same.

Building composed of wood, etc., when deemed a nuisance.

SEC. 41. The common council may prohibit and prevent the location or construction of buildings for storing gunpowder, powder factories, tanneries, distilleries, buildings for the manufacture of turpentine, camphene and all other dangerous or explosive substances; slaughter houses and yards, butchering shops, soap, candle, starch and glue factories; establishments for steaming or rendering lard, tallow, offal and such

Prevent location of certain buildings.

other substances as can be rendered into tallow, lard or oil, and all establishments where any nauseous or unwholesome business may be carried on, within certain limits in the city to be determined by the common council. Such buildings, factories, shops and establishments as aforesaid, now or hereafter to be constructed in said city, together with blacksmith shops, founderies, cooper shops, steam boiler factories, carpenter shops, planing establishments, breweries and all buildings and establishments usually regarded as hazardous in respect to fires, shall be subject to such regulations in relation to their construction and management as the common council shall make, with a view to the protection of persons or property from injury by fire, or of the preservation of the health and safety of the inhabitants, and to prevent the same from becoming in any way nuisances. The common council may take all necessary measures to prevent annoyance to the public, and to protect all persons in the city from injury to their health and property, caused by the discharge of dense smoke into the atmosphere.

Smoke.

May prevent location of wooden, etc., buildings, where.

SEC. 42. The common council may prohibit and prevent the location or construction of any wooden or frame house, store, shop or other building on such streets, alleys, and places, or within such limits in the city as the common council may, from time to time prescribe; to prohibit and prevent the removal of wooden or frame buildings from any part of said city to any lot or location on such streets, alleys and places within such limits, and the rebuilding or repairing of wooden or frame buildings on said streets, alleys and places within such limits, when damaged by fire or otherwise.

Council to regulate construction of partition fences.

SEC. 43. The common council may regulate the construction of partition fences, and of partition and parapet walls, the walls of buildings, the thickness of walls and regulate the construction of chimneys, hearths, fire places, fire-arches, ovens and the putting up of stoves, stove pipes, kettles, boilers or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys and chimney flues; to compel and regulate the cleaning thereof, and fix the fees therefor; to compel and regulate the construction of ash-houses or deposits for ashes; to compel the owners of houses and other buildings to have scuttles upon the roofs thereof and stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures to discover whether the same may be in a dangerous condition, and to cause such as are in a dangerous condition to be put in a safe condition; to authorize any of the officers of the city to keep away from the vicinity of fires all idle or suspicious persons; to aid in the extinguishment of fires and in the preservation of property exposed to danger therefrom; to license and regulate engineers of [stationary] stationary engines within the corporate limits of the

city, and to regulate the inspection of boilers of [stationary] stationery engines therein.

SEC. 44. The common council may regulate the buying, carrying, storing, selling and using of gunpowder and fire-crackers, or fireworks manufactured or prepared therefrom, and all other combustible substances; the exhibition of fireworks, the discharge of firearms, and the lights in barns, stables and other buildings, and restrain the making of bon-fires at any place within the limits of the city.

Combustible materials.

SEC. 45. The common council shall have power, by ordinance or otherwise, to require the owner or occupant of any building in the city, which is extra hazardous in respect to fire, to provide a night watchman for such building, at the expense of the owner or occupant, such night watchman to be on duty during such portions of the year and during such hours as the common council shall designate in each given case. If such owner or occupant shall refuse or neglect to pay for the services of such watchman, for a reasonable time after the time for the payment has passed, the city may cause payment of such services to be made and the sum so paid shall be a lien upon the building and premises upon which it is situated, until it is paid; and such sum shall be assessed upon such building and premises and collected in the manner and in accordance with the provisions of this act for the assessment and collection of the expense of constructing and repairing sidewalks.

Night watchman to be appointed for certain purposes.

SEC. 46. The common council shall have power to enact such by-laws and ordinances as it may, from time to time, deem necessary or proper for the filling up, draining, cleansing, cleaning and regulating any grounds, yards, basins, slips, cellars and all other places within the corporate limits of said city, which shall be sunken, damp, foul, encumbered with filth, night soil, rubbish or in any manner nauseous; and for filling, altering or repairing all sinks, water closets and privies within the said corporate limits, and for directing the mode of constructing them in the future; and to cause all such work as may be necessary for the purposes aforesaid, in preserving the public health and the cleanliness of the city, to be executed at the expense of the city, on account of the persons respectively who own the property upon which such work was performed, and upon whom the same may be assessed, and for that purpose to cause the expense thereof to be estimated, assessed and collected, and the real estate charged therewith, to be sold, in case of non-payment, in the same manner as provided by law with respect to the construction and repair of sidewalks within the city.

Council to enact ordinances for the health and cleanliness of the city.

SEC. 47. In all cases where the said by-laws or ordinances shall require anything to be done in respect to the property of several persons, in manner provided for in the preceding section, the expenses thereof may be included in one assessment

Several pieces of property may be assessed together.

and the several pieces of real estate in respect to which the several expenses shall have been incurred, shall be briefly described in the manner required in an assessment roll for the general expenses of the city, and the sum of money assessed to each owner of real estate, shall be the amount of money expended in performing such work upon such real estate, together with a ratable proportion of the expenses of assessing and collecting the money expended in performing the work on said several pieces of real estate as aforesaid. The collection of the assessments specified in this section and the preceding section, shall be subject, in all respects, to the provisions of title V of this act.

City may construct or purchase a lighting plant.

SEC. 48. It shall be lawful for the city of Grand Rapids to purchase, or to construct and to operate and maintain an electric or other lighting plant, for the purpose of supplying the city with proper lights. It may borrow on the faith of the city, not to exceed one hundred and fifty thousand dollars, and issue its bonds therefor, to be used for such purpose and for no other purpose. Such bonds shall be signed by the mayor and countersigned by the comptroller, and issued in such denominations as the common council shall direct. They shall run for a period not exceeding twenty years and shall bear interest at a rate not to exceed four per cent per annum, and shall be sold under the direction of the common council, for not less than par value: *Provided*, That nothing in this section contained shall be construed to authorize the incurring of any bonded indebtedness on the part of the city, unless the qualified electors of said city voting on such question at any regular election, or special election called for such purpose, shall have authorized the incurring of the same by a majority of their votes cast upon such question.

TITLE IV.

POWERS AND DUTIES OF CITY OFFICERS.

Duty of the mayor.

SECTION 1. It shall be the duty [of] the mayor to take care that the laws of the State and the ordinances of the common council are faithfully executed; to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and examine into all complaints against them for neglect of duty; to recommend to the common council such measures as he shall deem expedient, to expedite such as shall be resolved upon by them, and, in general, to maintain peace and good order, and advance the prosperity of the city.

Where official bonds to be deposited.

SEC. 2. All official bonds and all bonds required of any employé of the city, or of any department of the municipal government, shall be deposited in the office of the city clerk, and shall become a part of the official records of that office.

SEC. 3. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council; to act upon committees when appointed thereon by the mayor or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws, or police regulations of the city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of him by this act. The senior alderman in each ward shall represent his ward upon the board of supervisors of the county, and perform all the duties pertaining to supervisors of the townships on such board, and he shall have all the rights, privileges pay and powers of the several members of such board. He shall select and return lists of grand and petit jurors to the clerk of the county in the same manner and within the same time as the like duty is required to be performed by township officers; he shall select and return lists of grand and petit jurors to the clerk of the superior court in the manner and within the time provided for by law in relation thereto, and he shall perform all other duties formerly performed by the supervisor of a ward in said city. The aldermen shall be exempt from sitting as jurors in any of the courts of this State, during their term of office.

Duty of alderman.

SEC. 4. The mayor and aldermen, by virtue of their respective offices, shall be conservators of the peace, within the corporate limits of the city. The city constables and police constables shall obey the orders of the mayor and aldermen in enforcing the laws of the state or the ordinances and regulations passed by the common council, subject, however, to the provisions of this act in relation to the powers of the police department over such police constables.

Mayor and aldermen to be conservators of the peace.

SEC. 5. The accounts or demands of all persons against the city, shall be verified by affidavit, and shall set forth the items thereof in detail, which affidavit shall be sworn to before the comptroller, or any person who has general power to administer oaths; but no such accounts or demands shall be ordered to be paid by the common council, except as in this act otherwise provided, until the same shall have been examined and recommended by the comptroller.

Accounts to be verified by affidavit.

SEC. 6. If any claim for unliquidated damages is made against said city, for injuries to persons or property, by reason of any defect in sidewalks, streets, highways, crosswalks, bridges, alleys, courts or public grounds or places in said city; or any claim is made against said city in an action of tort, the claimant in such cases shall present the same to the common council within sixty days after the injury or wrong occurred, which claim shall state the place where the injury or wrong was received, the names of the claimant's

Claims against the city for damages.

witnesses concerning the same, then known to the claimant, a description of the injury sustained, and a succinct statement of the facts constituting such claimant's demand against said city, and any further statement that may be required by said common council; and any such claim shall be void unless such claimant shall bring an action against said city for such demand, within a period of one year from and after said common council has had a reasonable time to investigate and pass upon such claim, which reasonable time shall not exceed a period of thirty days.

What deemed a sufficient bar to claim against city.

SEC. 7. It shall be a sufficient bar to any action or proceeding brought in any court for [the] recovery of any such claim against said city, that such claim has never been presented to the common council, or has not been presented within the time above limited, or that the action or proceeding was brought before said common council had such reasonable time to investigate and pass upon such claim, as hereinbefore stated, or that such action or proceeding was not brought within the period of one year after the time elapsed for the common council to investigate and pass upon such claim as hereinbefore stated.

Duty of clerk.

SEC. 8. The clerk shall keep the corporate seal, and all the papers and files belonging to the city as a corporation, not properly by this act, in the custody of some other officer thereof, and shall make a record of the proceedings of the common council, whose meetings it shall be his duty to attend, and copies of all papers duly filed in his office and transcripts from the records of the proceedings of the common council, certified to by him or one of his deputies in his name, under the corporate seal, shall be *prima facie* evidence in all places when produced, of the matters therein contained. He shall countersign all licenses granted for any purpose whatever by the mayor or common council, and shall enter in an appropriate book the name of every person to whom a license shall be granted, the number of such license and the date thereof, and the time during which it is to be continued in force, and the sum paid for such license. No license granted for any purpose shall be valid until countersigned by the city clerk. The common council shall, when in its opinion necessary, and upon the written recommendation and nomination of the city clerk, appoint and furnish for the city clerk such deputies, assistants and clerks as may be necessary from time to time, for the proper discharge of the duties of his office, and the common council shall fix the compensation of every such deputy, assistant and clerk at the time of such employment. In case of the absence of the city clerk from the duties of his office, or on account of his disability for any reason to act as city clerk, one of his deputy clerks shall act in his stead. If there be more than one deputy the common council shall, by resolution entered in its minutes, designate the deputy to act

Council to appoint deputy clerks.

in the place of the city clerk. The city clerk is hereby authorized to administer all oaths required to be administered under the provisions of this act, but he shall receive no compensation therefor.

SEC. 9. The city clerk shall cause to be published all ordinances of the common council for the violation of which any penalty shall be imposed, at least one week, in one of the official newspapers printed and published in said city; and all votes, ordinances and resolutions directing the payment of money shall be published at least once in one of said official newspapers, within eight days after the passage of the same. He shall perform such other duties as this act shall direct, or which may be directed by the common council.

What ordinances city clerk to publish.

SEC. 10. The city treasurer shall receive all moneys paid in for school purposes, and all moneys belonging to the city, except such as are required by this act, to be in the keeping of some other officer, and shall deposit the same daily in the city depository or depositories, selected and designated by the common council, and shall take vouchers therefor in duplicate, filing one of said vouchers with the comptroller of said city, and filing the other in the office of the city treasurer. Said city treasurer shall keep an account of all receipts and expenditures of said city, in such manner as the common council shall direct, in proper books of account, to be provided by said city, which books of account shall be the property of said city, and constitute a part of the public records thereof. The books required to be kept by such depository or depositories, shall, at all times during the business hours of the day, be kept open and subject to be inspected by any member of the common council, the city treasurer, the comptroller or the city attorney.

Receipts and expenditures of money by the treasurer.

Books to be kept open for inspection.

SEC. 11. The common council shall have power to contract with any safe and secure banking institution or institutions in said city, for a period not exceeding three years as a depository or depositories for the safe keeping of the public moneys belonging to, or in the custody of said city, and for the payment of interest thereon, at a rate of not exceeding that established by law, upon such moneys of the city, or in its custody, deposited with such banking institution or institutions, to be drawn from on current account, by said city through its proper officer or officers, which said interest shall belong to and be credited to the general fund of said city. Every such contract with a banking institution shall contain an agreement upon the part of such banking institution, permitting the common council, whenever it shall deem that the interests of the city require it, to terminate such contract and withdraw all the money deposited with such institution, and in such case the books required to be kept by such depository shall be delivered into the custody of the clerk by such depository.

Council to contract with banking institutions for safe keeping of money.

Contracts, what to state.

Council to
make rules
governing
contracts.

SEC. 12. The common council of said city by ordinance, resolution or otherwise, may make such rules and regulations, and prescribe such conditions relative to entering into any contract with any depository or depositories of all such moneys as aforesaid, the drawing upon such moneys, and the security to be given by such depository or depositories, as said common council may deem reasonable and just and for the best interests and security of the said city, not inconsistent with the provisions of this act.

Depositories
to keep an ac-
count in a set
of books to be
furnished by
city.

SEC. 13. The depository or depositories so designated by the common council, shall keep an accurate account in a set of books, of all moneys belonging to, or in the custody of said city, deposited with such depository or depositories, such books to be provided by said city, and to belong to said city, and to constitute a part of the public records of said city, and to be by the outgoing depository or depositories delivered to the depository or depositories succeeding to the trust. Such depository or depositories shall report in writing monthly to the common council of said city, the amount of moneys belonging to or in the custody of said city, then on deposit with such depository or depositories.

To constitute a
part of public
records.

To advertise
for sealed
proposals.

SEC. 14. The common council of said city shall, on the second Monday of April next preceding the termination of any existing contract, or within ten days thereafter, advertise in one of the official newspapers of said city, for a period of at least one week, after the first insertion of such advertisement, for sealed proposals from the banking institutions in said city, for the highest rate of interest obtainable from such banking institutions on daily balances on money belonging to the city, or in its custody, and the lowest rate of interest to be paid by said city for such temporary loans as the city shall have power to make.

Power of coun-
cil to award
deposit of city
money.

SEC. 15. The common council shall have power to award the deposit of the moneys belonging to the city or in its custody, in such quantity or quantities, as may be for the best interests of the city, to such safe and secure banking institution or institutions within said city, as shall offer the best terms to such advertisement, and in accordance therewith, and shall require such depository or depositories to give suitable bonds in such penalty as the common council shall determine, and with such sureties as the common council shall approve, before any transfer of any such moneys as aforesaid, can be made to such depository or depositories.

In case of no
agreement.

SEC. 16. In case no agreement is entered into for depositing any of the moneys as aforesaid or in case such agreement is terminated, and at any time when there shall be no such depository or depositories, the city treasurer shall receive and retain in his hands all moneys belonging to the city, or in its custody, and which, in accordance with the provisions

of this act, shall come into his hands, and shall pay the same out upon warrants drawn upon him as provided by law.

SEC. 17. All moneys drawn from the city depository or depositories for city purposes, shall be drawn by warrants, designating the depository, signed by the clerk and countersigned by the comptroller of said city. All warrants drawn upon the city treasurer for city purposes, shall be drawn in pursuance of an order from the common council, which warrants shall be signed by said city clerk and countersigned by the comptroller of said city, and every such warrant shall specify for what purpose the amount named therein is paid, and out of which particular fund payable, and the comptroller shall keep an accurate account, under appropriate heads, of all expenditures and of all orders and warrants drawn upon the city treasurer, in suitable books to be kept by him for that purpose, which books shall be furnished by, belong to and be a part of the public records of said city.

All money shall be drawn by warrant.

SEC. 18. On the order of the common council, it shall be the duty of the city clerk, after the expiration of at least twenty-four hours, next following any regular or special session of the common council, at which any claim or demand against the city has been allowed, to draw a warrant or check on the city depository or depositories, designated by the common council, for the aggregate sum of all claims and demands against said city, allowed at any such regular or special session of said common council; which said warrant or check for said aggregate sum shall be signed by said city clerk, and countersigned by the comptroller of said city, and payable to the order of the treasurer of said city: *Provided*, That no item or items of such claims or demands shall be included in any such aggregate, or in the warrant or check drawn therefor, to the allowance of which by the common council the mayor shall have interposed his veto, in the manner provided for in this act; nor shall any item or items of such claims or demands for the payment of which there are not sufficient funds out of which they may be lawfully paid, be included in such aggregate or in such warrant or check. The city treasurer shall draw from the city depository or depositories the amount called for by such warrant or check, and use the same to pay the said claims and demands in the manner provided for in this act.

City clerk to draw warrant or check for amount of damages allowed.

Proviso.

SEC. 19. The city comptroller shall, at the first regular meeting of the common council of said city in each month, report in writing to said common council the amount of all warrants drawn as aforesaid, upon the city treasurer, which have not been called for within thirty days after the countersigning of such warrants, together with the name of the person to whom each said warrants is payable, and out of what city fund payable. Upon the receipt of such report the said common council shall have power to order the cancellation

When city controller to report to council.

Proviso.

of such warrants not called for, and to instruct the city treasurer to forthwith deposit in the depository or depositories designated by the common council, the aggregate amount of the warrants covered by such monthly report: *Provided*, That any such cancellation shall not be taken or held to impair or render void the legality of any such claim or demand. The city treasurer shall, in respect to the school moneys received by him, perform all the duties, and be subject to all the liabilities that the township treasurers of the State are now or in future shall be subject to by law, in respect to the keeping and paying out of moneys collected for school purposes.

Books and accounts. Exhibit of accounts to council.

SEC. 20. The books and accounts of the city treasurer shall be open to the inspection of any elector of said city. The city treasurer shall exhibit to the common council in the month of April in each year, a full and fair account of the receipts and expenditures of the said city, and of all moneys coming into his hands by virtue of his office, since the date of the last annual report of the city treasurer, and also the state of the treasury of said city, and such other matters as he may deem advisable, and to the interests of the city, which account, if found correct, shall be filed in the office of the city clerk.

Treasurer to devote his whole time to the duties of his office. Council to appoint deputies.

SEC. 21. The city treasurer shall keep an office, which shall be provided and furnished for him by said city, and he shall devote his whole time to the duties of his office. The common council shall, when in its opinion necessary, and upon the written recommendation and nomination of the city treasurer, appoint and furnish such deputies, assistants and clerks for the city treasurer, as may from time to time be necessary for the proper discharge of his duties, and the common council shall fix the compensation of every such deputy, assistant or clerk so employed, at the time of such employment, and shall prescribe the term of such employment.

Council may require additional bonds.

SEC. 22. The common council is hereby authorized to require new or additional bonds or security from the city treasurer, and from the depositories of all moneys belonging to the city, or in the custody of the city and deposited in such depositories, at any time, or times, when it shall deem the interests of the city require it should be done to protect the city against loss or risk of loss of any moneys deposited, or to be deposited with such city treasurer or city depositories.

City attorney and counsellor, duties of.

SEC. 23. The city attorney shall conduct and try all cases wherein the city [or] board of education is a party, in any court of this State, or in the district and circuit courts of the United States, and shall perform such other duties as usually devolve upon an attorney and counsellor at law, connected with the business of the city. He shall perform such duties of a professional character and exercise such powers, connected therewith as shall be assigned to him by the common council and the officers of said city, and of the several boards thereof, and

of the board of education of said city, and in general have charge of the law department of said city. The common council shall provide and suitably furnish for him such an office as may, from time to time, be necessary. Upon his appointment to office, or as soon thereafter as necessary, he may appoint an assistant city attorney, and also such clerical assistance as may from time to time be necessary; such assistant city attorney and such clerical assistants may be removed by him at will, but their salaries shall be determined and fixed by the common council. The common council shall provide and suitably furnish an office for such assistant city attorney, who shall perform such duties as shall be assigned to him by the city attorney, or by the common council.

May appoint
an assistant.

SEC. 24. The city marshal shall have power to arrest, without process, all persons who shall, in his presence, be engaged in the violation of any of the provisions of this act, or any of the statutes of the State or of any ordinance or regulation of the common council relating to streets, highways, alleys, lanes, courts, public places and public grounds and sidewalks in said city, and to detain such offenders to enable said marshal to make complaint for the offense to the court having jurisdiction thereof, and to procure the proper process against said offender, but no longer. He shall be the superintendent of the streets, alleys, highways, courts, public places and public grounds, sidewalks, public sewers and parks of said city. He shall report in writing weekly to the common council, the condition of the streets, highways, alleys, lanes, courts, public places, public grounds, sidewalks, public sewers and parks aforesaid, and if any of them are out of repair, he shall report that fact, with the nature of the defect, and the place where located, together with an estimate of the expense of repairing the same; whereupon the common council may have power to direct him to make, or cause to be made the necessary repairs, and shall provide the means therefor, and may direct him to [charge] change the same to the adjoining property when it may lawfully be done. If the defects are of such a nature as to be immediately dangerous to persons or property, it shall be his duty to cause such repairs to be made immediately and report the same to the common council at its next meeting thereafter, together with the expense thereof, certified to by him, and the common council shall provide means for the payment thereof, and in cases where it may be lawful, by the provisions of this act, said common council may direct such expense to be charged to the adjoining property. In addition to the reports herein provided for, said marshal shall report to the common council in relation to any matter connected with the duties of his office, whenever directed so to do by the common council or by the mayor.

Powers and
duties of city
marshal.

SEC. 25. All accounts of expenditures made by said marshal shall be certified by him and shall be made in duplicate, one of which duplicates shall be filed in his office, and the

Duty of marshal in regard
to accounts and
expenditures.

other in the office of the clerk of said city. Such accounts shall be reported to the common council at its next regular meeting after such expenditures shall have been made. It shall be the duty of the said marshal to keep a record, under appropriate heads, in a suitable book or books, to be by said city furnished to him, of all expenditures made by him under the provisions of the preceding section, as such superintendent of the streets, alleys, highways, courts, public places and public grounds, sidewalks, public sewers and parks; which said books shall belong to and be a part of the public records of said city. He shall perform such other duties as are required by this act, or as are or may be, from time to time, required or prescribed by the ordinances and resolutions of the common council. The marshal shall act as the attending officer and sergeant at arms at all meetings of the common council.

Bond of comptroller.

SEC. 26. The comptroller, previous to entering upon the duties of his office, shall enter into a bond in such sum and with such sureties as the common council shall fix and approve of in writing endorsed thereon; which bond shall be filed in the office of the city clerk. The common council is hereby authorized to require a new or additional bond from the comptroller, at any time or times, when it shall deem the interests of the city require it should be done; any such bond shall also be approved by the common council in writing endorsed thereon, and shall also be filed in the office of the city clerk. The comptroller shall receive and audit the claims, accounts and demands of all persons against the city, and every such claim, account or demand shall be sworn to by the person presenting the same, in manner required in section five of this Title; and shall also be certified to as correct by the officer, board, or chairman of the committee, upon whose authority the contract or liability for such claim or demand is based or originated, providing the same arose under such authority. The common council may pay all claims, accounts and demands so examined, which shall be recommended and reported to said common council by said comptroller for payment, but not otherwise, unless by the affirmative vote of three-fourths of all the aldermen elect of the common council. Said comptroller shall keep an accurate account of all claims, accounts and demands so recommended by him, as well as a separate and accurate account of all claims, accounts and demands which he shall receive and which are rejected by him after a due examination thereof.

Duties of comptroller.

Report to council, how made.

SEC. 27. In his report to the common council, the comptroller shall separate all claims for special improvements from general claims, also all claims payable out of a special fund, when there is no money in such fund to satisfy the same. All papers, bills and vouchers for all claims, accounts and demands recommended and reported by him to the common council, after the same shall have been accepted, adopted and

finally disposed of by the common council, shall be placed on file in his office, and it shall be his duty to keep the same in good and proper order, subject, however, to such orders as the common council may thereafter make in relation thereto.

SEC. 28. Said comptroller shall countersign all orders for the payment of money out of the city depository or depositories, and all orders upon the city treasurer, and the same shall be drawn and delivered by him at his office, and he shall perform such other duties as are prescribed in this act, or as the common council, within its powers, may by ordinance or otherwise prescribe.

Comptroller to countersign all orders.

SEC. 29. The common council shall, when in its opinion necessary, and upon the written recommendation of the comptroller, furnish for him such assistants and clerks as may from time to time be necessary for the proper discharge of the duties of his office, and shall fix the compensation of such assistants and clerks, and prescribe the term of their employment.

Council may furnish comptroller with assistants.

SEC. 30. The city physician, inspector of buildings, common criers, inspectors of firewood and other inspectors, weighmasters and all other appointive or elective officers of said city, if not in this act otherwise provided, shall perform such duties, and, if required, shall file such bonds, as the common council shall, by ordinance or otherwise, direct.

Duties of other officers to be defined by council.

SEC. 31. The common council shall annually determine the salary or compensation to be paid to the several officers of the said city within the limitations hereinafter prescribed, and which limitations shall be as follows, to wit: To the city clerk, two thousand five hundred dollars per annum; to the deputy city clerk, one thousand two hundred dollars per annum, and all fees and perquisites prescribed by law shall be collected by said clerk and his deputy and paid into the general fund of said city for the use and benefit of said city; to the city treasurer, two thousand five hundred dollars per annum; to the city marshal, for all services performed, one thousand three hundred dollars per annum; to the mayor of said city, one thousand two hundred dollars per annum; to the comptroller of said city, one thousand six hundred dollars per annum; to each of the aldermen of said city, three hundred and fifty dollars per annum; to the attorney of said city, two thousand five hundred dollars per annum, and all perquisites of office shall be paid by the said city attorney into the general fund of said city for the use and benefit of said city; and to the city physician, one thousand two hundred dollars per annum; said salaries to be fixed by an affirmative vote of at least two-thirds of all the aldermen elect of said city; and the common council may establish and prescribe such fees or salaries to be paid to all other officers of said city whose fees or salaries are not prescribed by law for services performed for said city in all cases where such fees or salaries are to be paid

Salaries and fees of officers.

Inspector of
highways to
execute bond.

by said city. The clerk of the board of health of said city shall receive for his services a salary not exceeding nine hundred dollars per annum, to be fixed by the said board of health.

SEC. 32. Each person appointed inspector of highways as provided by this act, shall execute a bond to said city in the amount of one thousand dollars, with at least two sufficient sureties to be approved by the common council of the said city, for the faithful performance of the duties of his office and for the faithful accounting of all moneys belonging to said city which may come into his hands.

Officers to sub-
scribe the oath
of office.

SEC. 33. All elective or appointive officers of said city shall take and subscribe the constitutional oath of office, and file the same in the office of the clerk of said city, before entering upon the duties of their respective offices, where the same shall remain as a part of the official records of said city. Such oath of office may be administered to any officer by any person having general power to administer oaths.

Treasurer to
make monthly
financial report
to council.

SEC. 34. The treasurer shall, at the first regular meeting of the common council in each month, make a report of the finances of said city showing what appropriations and payments have been made out of each of the several funds of said city since his last preceding report, and of the state of each of said funds.

TITLE V.

STREETS AND PUBLIC IMPROVEMENTS.

Council shall
have care and
supervision of
highways,
streets, bridges.

SECTION 1. The common council shall have the care and supervision of the highways, streets, bridges, lanes, alleys, parks, courts and public places and public grounds in the city, and it shall be its duty to give directions for the repairing, preserving, improving, cleaning, and securing of such highways, streets, bridges, lanes, alleys, parks, courts and public places and public grounds, and cause the same to be repaired, cleansed, improved, and secured from time to time as may be necessary; to regulate the highways, streets, bridges, lanes, alleys, parks, courts and public places and public grounds already laid out, or [which] may hereafter be laid out or built, and to alter such of them as it may deem inconvenient subject to the restrictions contained in this title; to cause such of the highways, streets, lanes, alleys, parks, courts and public places and public grounds in the city, as shall have been used for six years or more as public highways, streets, lanes, alleys, parks, courts and public places and public grounds, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described and recorded in the office of the city clerk, in the book of street records; and the recording of such highways, streets, lanes,

alleys, parks, courts and public places and public grounds so ascertained and described, or which shall be hereafter laid out and established by the common council, shall be presumptive evidence of such highways, streets, lanes, alleys, parks, courts and public places and public grounds therein described.

SEC. 2. Whenever the common council shall determine that the whole or any part of the expense of any public improvement shall be defrayed by an assessment upon the owners of real estate to be benefited thereby, it shall declare the same by an entry in its minutes, and after having ascertained the estimated expense of any such improvement, it shall declare, by an entry in its minutes, what proportion thereof shall be assessed to such owner, specifying the whole sum to be assessed, and portion of the city which it deems benefited by such improvement. The cost and expense of making the estimates, plans and assessments incidental thereto, shall be included in the expense of such improvement. The common council is hereby authorized to meet the expense of the following named improvements in the following manner:

Council to determine portion of assessment to be borne by city and owner.

First, For the purpose of meeting the expense of improving streets, highways, avenues, lanes, alleys, courts and public places and public grounds of said city, by paving, grading, graveling, or otherwise in anticipation of the collection of assessments and taxes to defray the expense and cost thereof, the common council may, by resolution, authorize and direct the mayor, comptroller and clerk of said city to borrow a sum not exceeding two hundred thousand dollars in any one year for such purpose, and to issue the bonds of said city therefor, bearing interest at the rate of not exceeding five per cent per annum, with interest coupons attached; which said bonds and coupons, shall be signed by the mayor and countersigned by the comptroller of said city: *Provided, however*, That the total amount of said bonds thus authorized to be issued shall not exceed five hundred thousand dollars outstanding at any one time. Said bonds shall be made payable in equal amounts each year for a period not exceeding five years from the date of issue, as the common council may direct. The said bonds shall be endorsed "Street Improvement Bonds," and shall be numbered or lettered by the city clerk consecutively. Said bonds shall not be sold for less than par, shall be payable at the office of the city treasurer, and the proceeds of the same shall be paid to the city treasurer, and by him placed to the credit of the "street improvement bond and interest fund." All said bonds shall be paid at maturity and cancelled, and shall not be reissued or refunded;

City may issue bonds to improve streets.

Limit in amount of bonds.

Proviso.

Second, All provisions of this title, relative to ascertaining and assessing the cost of public improvements, shall be applicable to the ascertainment of the cost of street improvements paid for by the proceeds of street improvement bonds, and

All provisions of this title to apply to street improvements.

the assessment of said costs upon the real estate deemed to be benefited thereby, except that the assessment rolls for improvements paid for in the first instance by street improvement bonds or their proceeds, shall be designated by the clerk as "Street Improvement Rolls." Said assessment rolls shall be subject to appeals therefrom to the common council, by the parties assessed therein, and shall be subject to ratification and confirmation by the common council, and shall be final and conclusive, as in other cases of public improvements, under the provisions of this title, and shall be a lien upon the premises from the date of such confirmation. All unpaid installments of the assessments in said assessment rolls, provided for by the provisions of this section, shall bear interest at the rate of six per cent per annum from the time of the confirmation of the assessment roll containing the same, by the common council. The board of assessors of said city, or other assessing officer or officers, shall divide each assessment contained in said rolls into so many equal parts as the common council shall direct. Said assessment rolls shall be attested by the city clerk under the seal of said city, and be deposited with the city treasurer, and substantially a copy thereof, certified by said clerk, with the comptroller, and retained in his office;

Assessment rolls, how to be designated.

Unpaid installments to bear interest.

Treasurer to make annual report to council.

Extra amount to be spread on tax roll.

When first installment shall be due.

Third, On or before the last Saturday of June in each year, the city treasurer shall certify to the common council any additional amount not provided for, to meet the balance of the street improvement bonded indebtedness of the city, maturing in the year following the fifteenth day of August next ensuing, and the annual interest on all outstanding street improvement bonds maturing within that time. Which amount said common council shall order spread on the annual tax roll and which shall be spread thereon, in the street improvement bond column thereof, upon all the real and personal property of the city, liable to taxation for general city purposes; and such taxes, when so assessed, shall become a lien upon the real estate assessed, the same as other city taxes, and so remain until paid, and the payment thereof shall be enforced and collected in the same manner, as the annual taxes of said city; and, for non-payment thereof, the premises may be sold in the same manner as for the non-payment of said annual taxes; and when so collected, shall be placed to the credit of the "street improvement bond and interest fund," and shall be applied to the payment of the principal and interest of said bonds as they shall fall due, and for no other purpose;

Fourth, The first installment of said assessments, to defray the expense of such improvement, under the provisions of this section, shall be collected in the same manner as assessments for other public improvements, under the provisions of this title, and shall become due when the assessment roll contain-

ing the same shall be placed in the hands of the city treasurer, and all the provisions of section eleven of this title shall be applicable thereto; and in case of the non-payment of said installment, or any installment on any such assessment roll, the premises upon which the same is assessed shall be returned and sold for non-payment thereof, as in other cases of assessments for public improvements, under the provisions of this title, and with the same force and effect. Said installment, when collected, shall be placed by the city treasurer to the credit of the street improvement bond fund. The other installments of said assessment, shall become due and payable as follows: The first in one year, the second in two years, the third in three years, the fourth in four years, as the common council shall have provided, next after the date of the confirmation by the common council of the assessment roll containing the same, with interest annually at the rate of six per cent per annum: *Provided, however,* That said assessments, with the interest thereon, at the rate aforesaid, may be paid to the city treasurer at any time after the confirmation as aforesaid of the assessment roll containing the same; and if not paid when due, ten per cent shall be added thereto, and collected thereon with said assessments. Said bonds, or any of the avails thereof, shall be used only in defraying the expense of the special improvement for which they were issued.

In case of non-payment of said installment.

Proviso.

Fifth, The powers herein granted, relative to the issue of street improvement bonds, shall be construed to be permissive, and their exercise within the discretion of the common council, and if said common council shall not order the same to be issued, or if issued, shall be unable to negotiate the same under the provisions of this section, then, and in such case, the expense of such street improvements shall be defrayed, provided for, and raised, in the same manner as the expense of other public improvements, under the provisions of this title, and as though no authority had been given to issue such bonds.

Powers herein granted to be construed to be permissive.

SEC. 3. The common council shall thereupon make an order, reciting the public improvements so as aforesaid intended to be made, the amount of expense to be assessed therefor, and the portion of the real estate in the city on which the same is to be assessed, and directing the board of assessors, the members of which board are hereby constituted commissioners to make such assessments, to make an assessment upon all the owners of real estate, within the portion of the city so apportioned, of the amount of expense in proportion, as near as may be, to the advantages which each portion or parcel shall be deemed to acquire by the making of such improvement. Such order shall be certified to by the city clerk, and delivered to one of said commissioners, together with a map or profile of the proposed improvement, in cases where the same is practicable. If any member of said board of assessors shall be unable, from any cause, to perform the duties of his

Council to order board of assessors to make assessment.

Order to be certified to by clerk and delivered to commissioners.

office, or if any vacancy shall occur in said board, the common council is hereby authorized to designate and appoint a proper person or persons as a commissioner or commissioners to act with the remainder of said board in making such assessments, who shall qualify in like manner and be subject to the same duties as such regular commissioner.

Commissioners
to meet and
be sworn.

SEC. 4. It shall be the duty of said commissioners to meet at such time and place as the common council shall appoint, or in case said council do not so appoint, as said commissioners shall themselves agree upon, and thereupon said commissioners shall severally take and subscribe an oath before some officer by law authorized to administer the same, that they will faithfully and impartially discharge the duty imposed upon them by said order, which said oath shall forthwith be returned and filed with the city clerk.

Commissioners
to proceed to
make an
assessment.

SEC. 5. The commissioner thus sworn shall proceed to make an assessment according to said order, and shall make out an assessment roll in which shall be entered the names of the persons assessed, the value of the property for which they are assessed, the amount assessed by them respectively, and in assessments for street improvements, under the provisions of section two of this title, where the expense thereof is to be defrayed in the first instance by the proceeds of street improvement bonds, they shall divide each assessment into such number of equal parts as the common council shall have ordered and shall state in a heading to said assessments, when each part is due under the provisions of section two, and in case any lots or parts of lots shall be occupied and belong to any person residing in said city, such person shall be assessed for the same and his name entered accordingly; and in case such lots or parts of lots shall belong to a non-resident, or to an owner unknown, the same shall be entered accordingly, with such a description of such lots or parts of lots as is, or may hereafter be required by law in assessment rolls made by the supervisors of the several townships of this State, with the value thereof, and the amount assessed thereon, which assessment roll shall be subscribed by said commissioners, or a majority of them who acted in the premises, and returned as speedily as may be to the common council: *Provided*, That it shall be the duty of said commissioners to complete and return any such assessment roll within sixty days after taking the oath prescribed in section four of this title, unless the common council, upon the written application of a majority of said commissioners grants further time. Nothing in this proviso contained shall be deemed in any manner to invalidate any such assessment roll because of its non-completion within the time limited herein.

In case owner
of property be
unknown.

Proviso.

Notice to be
given when re-
turn is filed.

SEC. 6. Upon such return being made and filed, the city clerk shall cause notice of the names returned to his office to be published in one of the official newspapers of the city

for such time as the common council shall direct, and that the common council will on such day as it shall have appointed, proceed to hear any appeals from the assessments of the said commissioners. Every such appeal shall be in writing and shall state specifically the grounds of the appeal and the matters therein complained of, and no other matter shall be considered by the common council. Such appeal shall be filed in the office of the city clerk on or before the day first appointed for hearing of such appeals, and shall be a part of the public records of his office.

Council to hear appeals.

Appeal to be in writing.

SEC. 7. At the day appointed for that purpose, and such other days as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment list, and the assessments contained in said roll, in whole or in part, or they may refer said roll back to said commissioners for correction, or may set the same aside and direct a new assessment; and in case the said roll shall be set aside the same proceedings shall be had as herein provided upon the first order of the assessment, or the said common council may ratify and confirm such assessment without any corrections, or with such corrections therein as they may think proper; but if no appeals shall be made from such assessment at the day appointed for that purpose, the common council shall ratify and confirm said roll, after making such corrections in said assessment list of names and descriptions of real estate as it may deem proper: *Provided, however,* That nothing herein contained shall prevent said council from setting aside said roll and ordering a new assessment on account of any illegality, imperfection or irregularity in any proceeding prior to the making of said roll, or on account of failure on the part of the commissioners making said assessments to assess the entire district ordered to be assessed by said council.

Council to hear allegations and rectify and amend assessment.

Provided.

SEC. 8. Every assessment roll so ratified and confirmed by the common council, as aforesaid, shall be final [and] an conclusive, and shall be *prima facie* evidence of the regularity and legality of all proceedings prior thereto, and the assessments therein contained shall be and continue a lien on the premises on which the same are made, except that such lien shall not attach to the road bed, right of way, or other premises of any duly incorporated railroad or railway corporations which are necessarily used in operating its corporate franchise; and substantially a certified copy of the assessment roll, so confirmed as aforesaid, and as provided for in section two of this title, shall be delivered to the city treasurer by the city clerk, unless otherwise ordered by the common council, who shall take the receipt of the city treasurer therefor, and endorse thereon the time of such delivery.

Assessment roll so ratified to be final and conclusive.

Assessment to be a lien.

Treasurer to give notice of receipt of assessment roll.

Treasurer to give receipts to persons paying assessments.

In case tax not paid before twenty days.

Notice how served.

Fees to be added if assessment not paid before a certain time.

Mayor to attach his warrant to roll when delivered.

Proviso.

SEC. 9. The city treasurer shall thereupon give notice by publication for at least twenty days in the two official newspapers published in said city, of the receipt of such assessment roll, and that the same will remain in his office for the space of twenty days after the first publication of said notice, during which time he will receive the payments of such assessments without extra charge. The city treasurer shall give receipts to all persons who shall pay their assessments to him before the expiration of said twenty days, and shall endorse the same so paid to him on such roll. Immediately after the expiration of said twenty days, said city treasurer shall cause to be served upon each person, firm, company, or corporation, whose name appears on such roll as as not having paid the tax assessed against him or it, within the twenty days above named, a written or printed or partly written and partly [printed] notice, specifying the amount of the tax assessed against him or it, with two per cent added for collection fees, and giving notice that after the expiration of thirty days from the date of said notice a further sum of three per cent on the original tax will be added to all taxes remaining unpaid on said roll at such date, as a collection fee. Such notice shall be served by sending the same through the mail, with postage prepaid thereon, duly directed to the person, firm, company or corporation assessed.

SEC. 10. The city treasurer shall attach to each roll his certificate that the notice above required has been served. It shall be his duty to add the said sum of two per cent to the original tax on all sums not paid as aforesaid, with the further sum of three per cent if not paid within thirty days from the date of [the] said notice, which said sum of two per cent and three per cent added to said original assessment, shall thereafter remain a part of the same.

SEC. 11. At the time of the delivery of the roll to the city treasurer, the mayor shall attach his warrant thereto, commanding the city treasurer to collect all taxes therein contained, together with the fees hereinbefore prescribed, within ninety days from the date thereof, and further commanding the city treasurer, when he may deem it necessary so to do, to levy and collect the same by distress and sale of any personal property belonging to the person, firm, company or corporation against whom such tax is made and found within the corporate limits of the city of Grand Rapids, in like manner as general State, county or municipal taxes are collected out of personal property within the corporate limits of said city: *Provided*, That said city treasurer shall not, in the first instance, be required to search for and levy upon personal property; but said original tax, together with the fees thereon, shall continue to be a lien upon the premises assessed, except that such lien shall not attach to the road bed, right of way or other premises of any duly incorporated railway or rail-

road corporation, which are necessarily used in operating its corporate franchise, and may be returned by said city treasurer in the manner provided for in section thirty-two of this title.

SEC. 12. Said city treasurer shall deposit all taxes and fees collected by him daily in the city depository or depositories, or as the common council shall direct, and shall proceed in the collection thereof in the same manner as general State, county or municipal taxes are collected within the corporate limits of the city, except as herein otherwise provided. In the case of assessment rolls for street improvements under the provisions of section two of this title, and where the assessments therein are divided into equal parts and are payable in installments, under the provisions of section two of this title, said warrant shall command the collection of the several installments of said assessment as the same shall have been divided in said assessment roll, and the treasurer's notice, in section nine provided for, shall correspond thereto. All fees received by the city [treasurer] in conformity with the provisions of this title, shall belong to the city and be paid into the city treasury to the credit of the general fund of the city.

Treasurer to deposit daily all taxes and fees collected by him.

In case assessment roll be divided into installments.

SEC. 13. The owner of real estate shall be deemed in law, the person who ought to bear and pay every such assessment made for the expense of any public improvement in said city. Any person owning an undivided share or other part or parcel of real estate assessed in one description for any of the purposes mentioned in this title, or for any special improvement, may pay an amount on the part thus owned having the same relation to the whole amount on said part or parcel, as the part on which payment is made has to the whole part or parcel assessed. The person making such payment shall accurately describe the part on which he makes payment, and the receipt given, and the record of the receiving officer shall show such description, and by whom paid; and in case of the sale of the remaining part for non-payment of assessment, such person making such payment may purchase the remaining part or parts in like manner as any disinterested person could purchase the same.

Owner to bear assessment.

In case of an undivided share.

SEC. 14. Where any such assessment shall be made upon or paid by any person, when by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for the one so paying to sue for and recover of the person bound to pay the same, the amount so paid, with interest.

In case assessment be paid by person not bound to pay assessment.

SEC. 15. Nothing herein contained shall impair, or in any way affect any agreement between any landlord and tenant, or other persons, respecting the payment of any such assessments.

Agreement between landlord and tenant to be valid.

SEC. 16. If, upon the completion of any such improvement, for which such assessment shall have been made, it shall appear that a greater amount has been assessed and collected

In case a greater amount is assessed than is necessary.

than is necessary to pay the expenses thereof, the common council may apportion such excess among the persons and property assessed, in proportion to the amount collected of them, and shall pay the same to such persons entitled thereto on demand.

Council, etc.,
may change
plan.

In case greater
sum is expend-
ed in making
improvement
than was
estimated.

SEC. 17. The common council and board of public works may change the plan and specifications of the work, for the payment of which said assessment is ordered to be made, and may add to or diminish the same, at any time before the completion of the assessment roll therefor, by the commissioners appointed to make such assessment, but not afterwards; and if it shall appear that a greater sum of money has been expended in the completion of such improvement than was estimated as aforesaid, the common council may direct the assessment of the same on the owners of real estate benefited by such improvements, in the same manner as above herein described, and the same proceedings in all respects shall be had thereon, and the common council may, in its discretion, enlarge the territory to be assessed for such improvements.

Assessment to
remain a lien.

SEC. 18. Every assessment for public improvements assessed upon any real estate, or upon the owners thereof, shall be and remain a lien upon such real estate from the time the roll containing the same shall be ratified and confirmed by the common council, until the same shall be paid.

Council may
order owners to
construct, etc.,
sidewalks.

SEC. 19. Whenever the common council shall deem it expedient to construct any sidewalk within the city, it may, by ordinance or otherwise, require the owner of any lot or premises adjoining thereto, or fronting or abutting thereon, to construct such sidewalk in front of or adjoining such lot or premises; the common council, in like manner, may, by ordinance, or otherwise, under such penalties as it may prescribe, require the owner to repair or reconstruct sidewalks in front of or abutting thereon or adjoining his premises, in such manner as the common council may direct. If such owner shall neglect or refuse to make, repair or reconstruct any sidewalk in front of, or adjoining to his premises within such reasonable time as the common council shall prescribe, it shall be lawful for said common council to cause the same to be done at the expense of the city, and an accurate account of the expense thereof shall be certified to by the marshal, who is hereby authorized, by virtue of his office, to make, repair or reconstruct such sidewalk, or cause the same to be done, and to file such account in the office of the city clerk, and a duplicate thereof in his own office, within five days after such work shall have been done. Said account, so certified to by said marshal, shall contain an accurate description of each parcel of real estate of which said sidewalk is in front of or abutting thereon or adjoining thereto, and which was so made, repaired or reconstructed, the expense thereof, and also the name of the owner of the real estate, if known, and if not known such fact shall be so stated in such account.

In case of neg-
lect or refusal.

SEC. 20. It shall be the duty of the city clerk, on the first Monday in August, November and February in each year, to place said accounts then remaining unpaid, in an assessment roll, together with ten per cent of each account, to be added thereto, which said assessment roll shall be returned by him and reported to the common council, and shall be in substance the same as the assessment roll provided for by this title in cases of assessments to defray the expenses of public improvements upon districts deemed to be benefited thereby, except that it shall not be necessary to place any valuation upon the real estate described in said roll. Said assessment rolls shall be subject to appeals therefrom to the common council, and notice thereof given, and such appeals shall be taken to and heard by the common council, as in cases of other assessments provided for in this title; and all provisions thereof relative to notice of and filing such appeals, and the hearing and action of the common council thereon, shall be applicable thereto; and said rolls shall be subject to ratification and confirmation by the common council as in other cases under this title. Such expense of making, repairing or reconstructing sidewalks as aforesaid, together with such percentage added as aforesaid, shall be and remain a lien upon such real estate, as hereinbefore set forth, until the same is fully paid.

City clerk to make assessment roll and add ten per cent.

Expense of making, repairing, etc., to be a lien.

SEC. 21. The city clerk shall sign said roll and annex his certificate thereto, and the mayor shall, within ten days thereafter, annex his warrant to said roll, commanding said marshal to collect said assessments within sixty days from the date thereof. Thereupon it shall be the duty of the marshal to levy and collect the same by distress and sale of any personal property upon such real estate, belonging to the persons chargeable with such assessment. All the provisions of this title relative to the return and sale of real estate for unpaid assessments thereon, are hereby made applicable to assessments hereinbefore provided for, except that the marshal shall make such sale and return. The marshal shall pay over to the city treasury all moneys collected by him in relation to the matters hereinbefore provided for, within the time specified in his warrant, and shall take the city treasurer's receipt therefor.

Warrant to marshal to collect.

SEC. 22. Whenever the owner of any real estate in said city shall refuse or neglect, within such reasonable time as the common council shall appoint, to conform to any ordinance, resolution or other order of the common council in relation to the removal of encroachments upon the public streets of said city, or upon the real estate belonging to the city; or shall refuse or neglect to conform to any regulation in relation to the said public streets, or the real estate belonging to the city, it shall be lawful for the common council to cause the removal of any such encroachment or the enforcement of any such regulation, at the expense of the city, and to recover the

In case of owner neglecting or refusing to conform to any ordinance.

Expense to be a lien.

amount of such expense, with any damages incurred by the city on account of such refusal or neglect, with costs of suit, in an action of debt or assumpsit, from the owner of such real estate. Such expense shall be and remain a lien upon such real estate until paid, and may be enforced in manner and form as provided for in sections nineteen, twenty and twenty-one of this title in relation to the making, repairing and reconstructing of sidewalks.

Council may assess real estate for repair of streets.

SEC. 23. The common council is hereby authorized to assess the real estate of residents and non-residents of the city, their just proportion of the expense for cleaning and repairing streets, highways, alleys, lanes, courts, public places and public grounds and sidewalks, and for removing nuisances therefrom. It shall, in all cases, be the duty of the owner or occupant of real estate in the city, adjoining any sidewalk or fronting or abutting thereon, to keep such sidewalk in good repair and to remove and clear away all dirt and wood, snow and ice, and other obstructions therefrom, and not to permit the same to remain thereon, and upon his failure to do so, the common council may cause the same to be done at the expense of the city, and such expense shall be assessed upon such real estate, and the amount so assessed shall be collected in the same manner, and the same proceedings shall be had in case of the non-payment of the same as is provided in sections nineteen, twenty and twenty-two of this title; and such expense shall be a lien on such real estate, and may be enforced in the manner provided for in said last mentioned sections of this title.

Sidewalks to be kept clean.

Each ward to constitute a separate highway district.

SEC. 24. Each of the several wards of said city shall constitute a separate highway district; and each district shall have its separate highway fund, and it shall not be lawful to expend any portion of the highway tax, authorized by this act, except in the highway district in which it was raised.

Highway fund money not to be used for other purposes.

SEC. 25. The money paid into the city treasury, to the credit of the several highway funds, shall not be used for other purposes.

Money belonging to highway funds to be expended under direction of council.

SEC. 26. The money collected and paid into the city treasury, in accordance with the provisions of this act, to the credit of the several highway funds, shall be expended under the direction of the common council by such person and under such regulations as the common council may appoint and adopt, in the improvement and cleaning of the streets, highways, alleys, lanes, courts, public places and public grounds in the city; but nothing herein contained shall be construed to authorize the use of such highway money in the grading and paving of any street, highway, alley, lane, court, public place or public ground in the city.

Persons appointed to superintend expenditure of money to make weekly report to council.

SEC. 27. The person or persons appointed by the common council to superintend the expenditure of the highway funds of said city, shall at the regular meeting of the common council in each week, make full report of all his or their doings and

expenditures during the previous week, with vouchers for the same, verified by his or their oath or affirmation; and if such statements and reports of expenditures shall be satisfactory to said common council, they shall order the payment thereof out of the proper highway funds of said city, by orders signed by the city clerk and countersigned by the comptroller.

SEC. 28. The common council may borrow, on the credit of the city, for highway purpose, any sum necessary for immediate use, not exceeding two thousand dollars in any one year, and at a legal rate of interest, which shall be paid from the highway tax of the district for which it was borrowed, and from the highway tax of the year for which it was borrowed.

Council may borrow on credit of city for highway purposes.

SEC. 29. The books kept by the city treasurer in which the debts and credits of the highway funds are entered, shall be open at all reasonable hours to the inspection of members of the common council.

Books to be open to inspection by members of council.

SEC. 30. When the marshal shall have levied upon any personal property for the non-payment of any tax or assessment in this title provided for, he shall proceed to advertise and sell the same in like manner and upon like notice as is now required, or shall hereafter be required by law in the levy and sale of personal property for the non-payment of taxes by township treasurers.

Property to be sold for the non-payment of taxes.

SEC. 31. The common council, in respect to unpaid assessments levied upon real estate for the object specified in this title, instead of having the same returned, as in this act hereinafter specified, may in relation to the collection of said assessment pursue the course hereinafter specified.

Unpaid assessments not to be returned.

SEC. 32. Ninety days after any assessment roll has been placed in the hands of the city treasurer for collection, without a further time shall have been granted to him to make collections of assessments on such assessment roll, by a resolution of the common council passed to such effect, and duly entered upon its minutes, and at the expiration of such further time if granted, he shall return the same to the city clerk with a complete list of all the real estate upon which the assessments have not been paid or collected, with a statement to whom each parcel of said real estate was assessed, or that it was assessed to a person "unknown," and describe such real estate, and give the amount of the assessment, together with the collection fees as added upon each parcel; and he shall annex thereto a certificate substantially in the following form: "I hereby certify that the above list contains a true and accurate statement of each parcel of real estate, and the assessment and collection fees thereon remaining unpaid, and the names of persons to whom each parcel was assessed," and the improvement or work on account of which the assessment was made shall be named in such certificate.

Ninety days after assessment roll delivered to treasurer he shall return same to clerk.

Certificate to be attached.

Thirty days
after return of
list clerk shall
publish the fol-
lowing notice.

SEC. 33. Within thirty days after the return of said list, the clerk shall cause said list to be inserted in an official newspaper printed and published in said city, together with a notice in substance as follows: "It appearing from the return of the treasurer, that the assessment and collection fees on the above described parcels of real estate remain unpaid, notice is hereby given that said real estate will be exposed for sale in separate parcels at public auction on the day of, A. D. 18...., at 10 o'clock in the forenoon, at the front door of the court house, or place of holding the circuit court for the county of Kent, in said city of Grand Rapids, and sold to the highest bidder, for the purpose of collecting said assessments and interest thereon, and fifty cents for the cost of selling each lot or parcel, in addition to the cost of advertising," which costs of advertising shall not exceed fifty cents for each parcel, and shall be in full of the notice of the sale. Said day of sale shall be at least thirty days after the first publication of said notice, and shall be inserted in said paper at least once in each week during the time. Such sale may be postponed by the marshal, from time to time, by public proclamation thereof, made at the time and place of sale, and by inserting notice of such postponement in the paper containing said notice, next under said notice of sale; and if for any cause such sale shall not take place at the time in said notice specified, or at the time to which it may be postponed, the common council may direct said clerk at any subsequent time to re-advertise and sell said real estate in manner and form as aforesaid.

How sale
postponed.

Marshal, etc.,
to act as
auctioneer.

Clerk to attend
sale and keep
record of same.

Clerk may
receive assess-
ment.

Costs.

SEC. 34. The marshal, or his assistant, shall attend said sale and act as auctioneer. Said auctioneer shall sell all lots or parcels of real estate so advertised, upon which the assessments and costs remain unpaid at the time of selling. The city clerk shall attend said sale, and enter in [a] the book provided for that purpose, a description of the real estate sold, the name of the purchaser and the amount of his bid, and shall make out and deliver to such purchaser a certificate containing a description of the real estate purchased by him, the amount of the assessment due, and the amount of the costs due, each separately, and the amount of his bid, which certificate shall contain a statement that said purchaser will be entitled to a deed of the real estate described therein at the expiration of one year from such sale, unless the same shall sooner be redeemed. The city clerk shall receive any assessment, percentage and costs due, at any time before the sale of the real estate upon which the same was assessed, and pay the same over to the city treasurer, with a statement in writing of the assessment roll from which the same was realized, and he shall take the city treasurer's receipt therefor. The costs, if paid before sale, shall be twenty-five cents on each parcel so paid,

the costs of advertising and the fees for collection prescribed in said roll.

SEC. 35. In case no person shall bid at such sale the amount of the assessment and costs on any lot or parcel so exposed for sale, the same shall be struck off to the city of Grand Rapids, and the city clerk shall certify to the common council, at its next regular meeting, a statement of the lots or parcels so struck off to the city, and the amount of the assessment for which such lot or parcel so struck off was assessed, and the amount of costs chargeable to each lot or parcel. The common council shall order any such assessment, with the costs thereon, to be paid out of the general fund of said city. The city clerk shall certify said order to the city treasurer, who shall thereupon transfer from the general fund to the proper special fund the amount specified in said order.

In case no person bid at sale.

SEC. 36. All real estate offered for sale for unpaid assessments, under the provisions of this title, shall be offered and sold to the highest bidder: *Provided*, No bid shall be received for a less amount than the assessment and collection fees added, and the costs of sale and advertising, together with all other costs and charges legally chargeable, against said real estate, under the provisions of this title. In case a greater amount is bid for any lot or parcel of real estate, and the same is sold, than the amount of the assessment and costs and charges against the same, the surplus money shall be deposited by the city clerk with the city treasurer, whose duty it shall be to keep the same for the benefit of the person or persons entitled thereto.

Real estate to be sold to the highest bidder.
Proviso.

SEC. 37. In case any person or persons entitled to said surplus money shall present to the common council satisfactory proof by affidavit, and such other proof as may be required by the common council, of his or their right thereto, and the common council shall be satisfied that the person or persons claiming the same is lawfully entitled thereto, it shall order a warrant to be drawn upon the city treasurer in favor of said claimant, for the amount thereof, which warrant shall be signed by the city clerk and countersigned by the comptroller, and shall be paid by the city treasurer on presentation thereof: *Provided*, That said common council may, if it deem the same expedient, before it shall allow such claim, or order it paid, require of such claimant or claimants a bond of indemnity to the city of Grand Rapids, in a penal sum of at least twice the amount of such surplus money claimed, with good and sufficient sureties, to be approved by the common council, conditioned to save the city of Grand Rapids harmless and indemnified against all suits and proceedings, damages, costs and charges which may be brought, recovered, sustained or in anywise incurred by reason of allowing or paying over such surplus money to such claimant or claimants, which bond,

In case any person is entitled to surplus.

Proviso.

if approved, shall be filed with the city clerk and remain in his office as a part of the official records thereof.

City not to be
liable to pay
interest on
surplus.

SEC. 38. The city of Grand Rapids shall in no case whatever be liable to pay interest on any surplus money deposited as aforesaid.

Parcel sold
may be re-
deemed within
one year.

SEC. 39. Any distinct parcel of real estate, sold under the provisions of this title, may be redeemed at any time within one year after the date of the sale thereof, by paying to the city clerk the amount for which it was sold, together with two per cent of such amount to be added thereto for each month from the date of sale until the time of redemption thereof.

City clerk to
keep record of
proceedings.

SEC. 40. Said city clerk shall keep and preserve in his office all books, papers and documents in relation to such assessment, the sale of the real estate for the non-payment of the same, and any redemption thereof, as are required to be filed and kept in his office by the provisions of this title; and the same shall be *prima facie* evidence of the matters contained therein.

Lands if not
redeemed, deed
to be given to
purchaser.

SEC. 41. In case said lands shall not have been redeemed as aforesaid, it shall be the duty of the mayor of said city to execute and deliver to the purchaser a deed of the premises, which deed shall be in substance as follows:

Form.

WHEREAS, On the day of, A. D. 18...., at a public sale made by the marshal of the city of Grand Rapids, for assessments duly assessed by said city for the following purpose (stating the purpose for which assessment was made); A..... B..... became the purchaser of the following described real estate, viz: for the sum of, that being the amount of the assessment, costs and interest of the : Now, Therefore, know all men by these presents, That I, C..... D....., mayor of said city, in consideration of the premises, hereby grant, bargain, sell and convey unto the said A..... B....., his heirs and assigns, the real estate above described, as so purchased by him, to have and to hold the same to the said A..... B....., his heirs and assigns forever.

Witness my hand, and the seal of the said city, this day of, A. D. 18....

Deeds to be
acknowledged,
etc., to vest the
fee.

SEC. 42. Deeds on all sales for assessments assessed upon real estate under this title shall be acknowledged as other conveyances, and, when executed and acknowledged as aforesaid, shall vest the fee of the land in the purchaser, and such deed shall be deemed and taken to be *prima facie* evidence of the existence and regularity of all such prior proceedings as might otherwise be required to be proven, in order to establish a title in the purchaser.

Fifty cents
charged for
each parcel
sold.

SEC. 43. There shall be fifty cents charged for each parcel of real estate sold, which shall be taken as a part of the amount of costs chargeable against said real estate, and shall be

included in the amount for which it shall be sold. All other expenses attending such sale shall be allowed and paid by the common council.

SEC. 44. The assessment rolls made pursuant to the provisions of this title, shall be filed in the office of the city clerk, and a true copy thereof shall be made, to which the warrant of the mayor shall be annexed for the collection thereof, and which shall be delivered to the city treasurer for collection. In case of the loss or destruction of the said copy, a new one may be made, to which the warrant of the mayor shall be attached, and such new copy shall be as valid for all purposes, as the first copy would be, had full proceedings been taken under it. If any assessment be set aside, or adjudged void or illegal by a court, or otherwise, or if there are defects or errors in respect to the roll itself, or in the proceedings prior thereto, the common council may, by order, set aside the same, and proceed *de novo*, and go back far enough to correct the proceedings and make a new roll. All street improvement rolls, all certified copies thereof, heretofore deposited with the city comptroller, under and by virtue of the provisions of section two of this title, shall be returned to the board of assessors by said comptroller, and retained in the office of said board.

Assessment roll to be filed in office of clerk.

When new roll may be made.

SEC. 45. In proceeding to collect an assessment upon a roll made as aforesaid, or to take the place of one lost or destroyed, the city treasurer shall credit on such roll all sums paid by any person, and shall mark "paid" all the real estate or any distinct parcel thereof, which is separately assessed, upon which the assessments have been paid, and shall then proceed to collect the unpaid assessments thereon, in the manner directed in his warrant. The city treasurer shall make return thereof in the same manner as hereinbefore directed in reference to other assessment rolls.

Treasurer to mark "paid" on roll when assessment is paid.

SEC. 46. In all cases which have heretofore arisen, or may hereafter arise, where any public improvement upon any street, or the construction of any public sewer, has been commenced under color of any authority from the common council, and the same shall have failed [of] to completion because of any incurable legal defect in any of the proceedings taken in the inception or prosecution of such public improvement, or in the inception or prosecution of the construction of such public sewer, which defect invalidates the whole proceedings in relation thereto; or because of any such defect any levy on, or distress of, property to collect an assessment made for the purpose of defraying the expense of such public improvement, or the expense of the construction of such public sewer, shall be set aside and adjudged void by a court, and judgment shall be rendered against the city, requiring money to be paid by said city at large, the common council shall have full power, and it

In case of illegal proceedings, council may institute new proceedings.

shall be its duty, to institute new proceedings for the purpose of completing such public improvement, or such public sewer, and for levying and collecting all necessary assessments for the purpose of defraying the expenses thereof and [of] all moneys legally paid, or required to be paid, by said city at large in relation thereto.

New proceedings to be in same manner as old.

SEC. 47. Such proceedings shall be instituted and prosecuted in relation to such public improvement, or such public sewer, in the same manner as if no proceedings had previously been instituted for the same purpose, and all expense of and incident to said assessments shall be assessed upon that portion of said city which the common council may deem benefited by such public improvement or public sewer; and out of the money collected from such assessments, the city shall reimburse itself on account of the money paid, or required to be paid, by the city at large, mentioned in the preceding section: *Provided*, That in any such subsequent assessment all persons who shall have paid any previous assessment for the same public improvement, or public sewer, and such assessment shall not have been refunded by the city, or judgment obtained against the city on account of the same, shall be credited therefor upon such subsequent assessment.

Proviso.

Council may extend time of collection on any assessment roll.

SEC. 48. The common council may at any regular meeting, by a vote of a majority of all the aldermen elect, extend the time for the collection of any assessment roll in pursuance of the provisions of this title, from time to time, beyond the time fixed in the warrant of the mayor, and upon the granting of such extension the provisions of this title shall apply to said roll in all respects, and in the same manner, as near as may be, as if such extension had not been granted, and like proceedings shall be taken thereunder. The city of Grand Rapids shall be liable for interest at the legal rate per cent, on all orders which shall have remained unpaid for four months after the date of issue, provided that said orders shall have been presented to the city treasurer and payment thereon demanded, in which case it shall be the duty of the city treasurer to endorse on the back of said order, "presented for payment," and also the date of such presentation and demand, which endorsement shall be signed by said city treasurer in his official capacity.

City to be liable for interest on order unpaid after four months.

City not liable to interest prior to the passage of this act.

SEC. 49. Nothing in the preceding section contained shall be so construed as to render the city of Grand Rapids liable for any interest prior to the passage of this act.

When an alias warrant may be attached to assessment roll.

SEC. 50. If, for any reason, not going to the validity of such assessment roll, the time for the collection of any assessment roll shall expire in the hands of the marshal before all the assessments therein contained shall have been collected, the common council, by a vote of a majority of all the aldermen elect of such common council, may instruct the mayor to

attach an alias warrant thereto, and fix the time for the running of such alias warrant, which said alias warrant shall be the same in form and substance as the original warrant, except that it shall be therein indicated to be an alias warrant, and shall command the marshal to collect the balance of said assessments then remaining uncollected, as are collectible under the provisions of this title; and the powers, duties and obligations of the marshal under the alias warrant, shall be the same as they were under the original warrant.

SEC. 51. The city of Grand Rapids, in its corporate capacity, is hereby authorized and empowered to purchase all parcels of land which shall be advertised and offered for sale under the provisions of this title which shall fail to be sold for want of bidders, and in case the same is not redeemed as provided by law, to receive a deed thereof and to hold, occupy and enjoy, use and possess, lease and encumber, and convey the same as fully and completely as a natural person might or could do.

City authorized to purchase lands, when.

SEC. 52. Whenever any lots, parts of lots, or parcels of land shall be struck off to the city of Grand Rapids, as provided in the preceding section, and the same shall not have been redeemed within the time hereinbefore provided, a deed or deeds shall be made out as near as may be in the form prescribed in section forty-one of this title, running to the city of Grand Rapids, and shall be executed and acknowledged as in section forty-two of this title; and which deeds so executed and acknowledged shall vest the fee of the land described therein in the city of Grand Rapids, divested of all prior liens, claims and incumbrances whatever, and such deed shall be deemed and taken to be *prima facie* evidence of the existence and regularity of all such prior proceedings, which led up to and vested such title in the city, as might otherwise be required to be proved in order to establish a title.

Lands purchased by city if not redeemed deed to run to city.

Fee vested in city.

SEC. 53. All conveyances of real estate by the city of Grand Rapids, or of any interest therein, shall be executed by the mayor in his official capacity and under the corporate seal of said city; and if such conveyances are required by law to be witnessed or acknowledged, his signature thereto shall be witnessed in accordance with the law, and his acknowledgment thereof shall, in like manner, be taken. In all cases such conveyances shall be countersigned by the city comptroller.

Conveyances by the city shall be executed by the mayor.

Countersigned by the comptroller.

SEC. 54. It shall be the duty of the city comptroller, as soon as the city of Grand Rapids obtains title to any real estate under the provisions of this title, to lease the same upon the best terms he can secure, for a period of time not exceeding three years, unless further time be authorized by the common council, reserving in such lease the right of said city to sell the real estate embraced therein, at any time during the continuance thereof. It shall also be his duty to negotiate terms of sale for such real estate, and to report such terms to the

Comptroller to lease real estate acquired by the city.

Negotiate terms of sale for real estate.

common council, and if the common council shall approve thereof, it may order a conveyance to be made and executed in accordance therewith.

Comptroller to report to council once in six months.

SEC. 55. It shall be the duty of said city comptroller to report, in writing, to said common council, at least once in six months, and as much oftener as the common council shall require, a particular description of all the real estate owned by the city in pursuance of the provisions of this title, and if any of said real estate is leased, he shall so state in his report to the common council, and the terms of such lease or leases, and also the amount realized on the same respectively. It shall also be his duty to attend to the collection of the rents due on such pieces, and he shall pay all sums so collected, without delay, over to the city treasurer.

City comptroller to protect title of city.

SEC. 56. Said city comptroller shall, as far as possible, protect the title of the city to said real estate, and for that purpose shall purchase the same at any sale for State, county or municipal taxes or assessments, when such sales shall take place; and the said city is hereby authorized to become the purchaser of such real estate at any such sale.

All moneys received on account of real estate to be paid into treasury.

SEC. 57. All moneys received on account of real estate owned by said city, the title to which real estate was vested in the city in pursuance of the provisions of this title, shall be paid into the treasury of said city, and placed in the general fund, and shall be appropriated to such objects and purposes as the common council shall direct.

Purchaser may be required to make immediate payment.

SEC. 58. The purchaser at a sale mentioned in section thirty-three of this title, shall, if the marshal requires it, make immediate payment of the amount of his bid, and in case of his neglect or refusal to make such payment, the marshal may declare the bid cancelled, and offer the real estate for sale again. In case any person neglects or refuses to pay any bid made by him as aforesaid, he shall not thereafter be entitled to have any bid made by him during such sale received. In all other cases the purchasers shall pay the amount of their respective bids within forty-eight hours after the sale is closed. In case any purchaser shall fail to pay the amount of his bid within said forty-eight hours, any other person paying such amount shall have a certificate of sale issued to him in accordance with the provisions of said section thirty-four of this title. But if no such person pays such amount, said real estate shall be set down as struck off to the city of Grand Rapids, in the same manner and to the like effect as if there had been no bidders for such real estate at such sale.

In other cases purchasers when to pay.

Purchaser to pay all charges before receiving deed.

SEC. 59. If, in any event it shall occur that any real estate is advertised for sale under the provisions of this title, and shall be struck off to a purchaser other than the city of Grand Rapids, and at the same time the whole, or any part thereof, has theretofore been struck off to the city of Grand Rapids on account of any previous unpaid tax or assessment, and the

whole of such real estate, or of any part thereof, as aforesaid, shall remain unredeemed from such previous unpaid tax or assessment at the time that said purchaser on the sale first hereinbefore mentioned shall become entitled to receive a deed of said real estate, he shall, before receiving said deed, pay to the city clerk the full amount of all such previous unpaid taxes or assessments, costs and charges, for which said real estate, or any part thereof, shall have been struck off to the city of Grand Rapids, and which remains unredeemed as aforesaid, anything in this title to the contrary notwithstanding. All bids made at any sale of real estate, as provided for in this section shall be deemed to be made subject to the provisions thereof.

SEC. 60. Whenever the common council shall discover that any real estate, on which any tax or assessment remains unpaid, has been so imperfectly or erroneously described that the same cannot, in its opinion, be located with certainty, or that the sale thereof would not convey to the purchaser a valid title to the real estate intended to be charged with such assessment, by reason of the imperfect or erroneous description thereof, the common council shall, by an order entered in its minutes, accurately describe such real estate intended to be charged with such tax or assessment, and shall direct the city clerk to correct the assessment roll on file in his office, containing such imperfect or erroneous description so as to make it correspond to the accurate description contained in said original order of the common council, and thereupon all copies of such assessment roll required by the provisions of this title to be made, shall be made to correspond therewith as corrected: *Provided*, That, no such imperfect or erroneous description shall be corrected until the owner of the real estate shall be appraised of such intended correction by a printed or written, or partly printed and partly written notice, either served upon him personally, or by leaving the same at his place of abode with some suitable person of proper age and discretion, at least three days before such correction shall be made. In case such owner is a non-resident of the city, such notice shall be published in one of the official newspapers of the city at least three days before such correction shall be made.

What to be done when property is erroneously described.

Proviso.

SEC. 61. Whenever in the laying out, establishing, opening, extending, widening, or straightening any highway, street, avenue, lane, alley, public grounds or spaces in said city, any buildings or parts thereof, or other appurtenances to the realty, shall be taken and condemned, it shall be the duty of the common council of said city to dispose of the same, either at public or private sale, as soon as possible after the title thereto has vested in the city, for the best prices that can be obtained therefor, and distribute the proceeds thereof (after deducting the expenses of such sale) among the persons and

In case property be condemned for public improvement, etc.

Proviso.

property assessed for benefits received in making such improvement, in proportion to the amount collected of them for such benefits, and shall pay the same to such persons on demand after such sale and the reception of the proceeds thereof: *Provided, however,* That when any part of the damages and compensation is assessed to the city of Grand Rapids, a pro rata share of such proceeds shall be paid into the general fund of said city.

Sewer districts,
where located.

SEC. 62. All that portion of the city of Grand Rapids lying on the east side of Grand river, and south of Fulton street, shall constitute the first sewer district of said city; all that portion of said city lying on the east side of Grand river, and north of Fulton street, shall constitute the third sewer district of said city; and all that portion of said city lying on the west side of Grand river shall constitute the second sewer district of said city.

Each district to
have a separate
sewer fund.

SEC. 63. Each district shall have its separate sewer fund, and it shall not be lawful to expend any portion of the sewer fund authorized by this act, except in the sewer district in which it was raised.

Moneys not to
be used for
other than
sewer purposes.

SEC. 64. The money paid into the city treasury to the credit of each of said sewer funds, shall not be used for other purposes.

Mistakes not to
invalidate pro-
ceedings.

SEC. 65. No mistake or error in the proceedings in regard to the opening or improvement of streets, avenues, public ways or alleys, or in the construction of sewers, or in the assessment or collection of the costs or expenses thereof, or in the proceedings for the assessment or collection of municipal taxes in said city, shall defeat said city in the enforcement and collection thereof, but any such mistakes or errors may be corrected upon equitable principles, or under the direction of the common council of said city, if discovered before suit brought thereon or by the court after suit is instituted, and the proper amount enforced as though no such error had occurred.

TITLE VI.

BOARD OF POOR COMMISSIONERS AND SUPPORT OF POOR.

Poor how
supported.

City treated as
a township.

General laws
to apply.

Poor commis-
sioners ap-
pointment of.

SECTION 1. The poor, having settlement in the city of Grand Rapids, shall be supported at the expense of such city, and in its relation to and as a part of the county of Kent, in all matters of county control, regulation and care, the city shall be treated as a township; and the general statutes of the State from time to time governing the support of the poor by the public, so far as applicable and if not otherwise herein provided, shall apply to and govern the city of Grand Rapids.

SEC. 2. The mayor shall appoint three suitable resident electors of the city for the terms hereinafter set forth, and who

shall be known as the "Board of Poor Commissioners of the City of Grand Rapids."

SEC. 3. Two members of said board shall be appointed each year on the first Monday in May, or within a reasonable time thereafter, one for a term of two years and the other for a term of one year, and both until their successors shall be appointed and qualified. Such appointments shall be governed by the provisions of title II of this act in relation to the appointment of officers solely by the mayor. The member appointed each year for the term of one year shall, during such year, give his entire time and personal attention to the work of the department, shall investigate and obtain personal knowledge of the needs and circumstances of persons applying for assistance, under the direction and control of the board and shall receive for his services such compensation as shall be fixed by the common council, not exceeding one thousand dollars per annum; but the mayor may at any time for cause revoke the appointment of the member so appointed for one year and appoint another in his place. The two members appointed for the two year term shall receive no compensation. Each member, at the beginning of his term, shall give bond as provided for the members of other boards.

To be appointed each year.

Term of office.

How appointments governed.

Who to give entire time to work of department.

Who to fix compensation. Not to exceed.

Mayor may revoke.

Who to receive no compensation.

Bond.

SEC. 4. Such board shall be vested with the entire charge and care of poor persons entitled to relief in the city of Grand Rapids; and for that purpose shall have the same powers and authority as supervisors acting as directors of the poor in townships in the counties of the State where the poor are cared for under what is known as the township system, and shall be subject to the same duties and liabilities as such directors of the poor in that regard: *Provided, however,* That said board may adopt such plan and system in the administration of the poor laws in the city of Grand Rapids as they may deem adapted to secure the greatest efficiency in carrying out the purposes and spirit of the law in the care and relief of the poor.

Board to have entire charge of poor.

To have same powers as supervisors under township system.

Proviso.

SEC. 5. The common council shall provide said board with a suitable office and other necessary rooms, furniture and fixtures and other proper facilities to enable it successfully to carry into execution the duties imposed upon it. The board shall have power and it shall be their duty to employ such assistants as may be necessary to carry on the work in their charge efficiently, to fix their compensation, prescribe their duties, and to discharge them at will. The board shall have power to make all necessary rules and regulations for the government of the work of the board, the appointment of its officers and committees and for the guidance of its members and employes in the transaction of the business of the department of all its details. It shall provide for and cause to be made, careful, kindly but thorough investigation into the actual circumstances and needs of all applicants for support or

Council to provide office.

May employ assistants.

Fix compensation, duties. Rules and regulations.

Appointment of officers.

To determine worthy applicants.

Labor test.	<p>assistance, so as to discover, ascertain and provide for all who are worthy and entitled to relief, and reject all improper and unworthy applications. It shall have the power, when deemed wise, to impose a labor test on persons asking for assistance from the city, requiring them to perform such labor as may be provided in return and compensation for the assistance which may be furnished such persons. It may purchase such supplies and other materials as in its judgment may be necessary for the proper performance of its duties hereunder. Until the city shall procure and maintain a hospital of its own, the board shall be authorized to place dependent poor persons, who have been disabled by accident or who are sick, in the private hospitals of the city for surgical operations or medical treatment when they shall deem it necessary, on reasonable terms.</p>
May purchase supplies and materials. Hospital.	<p>SEC. 6. It shall be the duty of such commissioners to prepare and submit to the common council of said city for ratification or amendment on or before the first Monday in May of each year, an estimate of the probable cost and expense of maintaining the poor department and caring for the poor of said city for the ensuing year, specifying the objects of expenditures in detail, and the sum desired for each, with such special reasons for the same as the board may have. The amounts of money so estimated to be necessary, or such amount as the common council shall by resolution determine to be necessary, shall be certified by the city clerk of said city to the comptroller with other sums determined to be raised by tax in accordance with the provisions of the charter of said city, and the sum when collected and paid into the city treasury shall be kept as a separate fund to be known as the "poor fund," and shall be expended only on the order of said board for the purposes authorized by the estimate and resolution of the council aforesaid. Said board shall not be authorized to incur any indebtedness nor enter into any contract not provided for or included in said detailed annual estimate for such fiscal year, unless specially authorized so to do by a majority vote of all the members elect of the common council of said city. All accounts, claims and demands for or on account of all matters in charge of the board shall be itemized and verified and when allowed by the board shall be certified to the comptroller of said city, who shall report the same to the council for payment; and they may also report without recommendation to the comptroller any claim or demand presented to them, the validity of which may be in doubt. Such board shall also on the first Monday in August, after the passage of this act, and on the first Monday of every third month thereafter render to the common council an itemized statement of all the expenses incurred and disbursements made by it for the three months preceding such statement, which shall be filed in the office of the city clerk and become a part of the official records thereof.</p>
Estimate of expense for ensuing year to be submitted to council.	
Common council to determine necessary amount.	
City clerk to certify to comptroller.	
Sums collected to be known as "poor fund."	
Not to incur debt.	
Unless by a majority vote.	
Accounts, claims and demands.	
When to render itemized statement.	
To be filed in office of clerk.	

SEC. 7. Said board shall keep a careful record of all persons admitted to the county poor house on the order of the board, and of the time they are supported therein at city expense, and shall have the right and it shall be their duty to examine the account presented by the superintendents of the poor to the board of supervisors, for all persons maintained in the county home aforesaid at the expense of the city, before the same is allowed and ordered spread upon the tax rolls of the city by said board of supervisors.

To keep record.

To examine account presented by superintendents.

SEC. 8. The board in office at the date of the passage of this act shall continue in office, until the expiration of their existing terms respectively, and until their successors are appointed and qualified hereunder.

The board in office to continue.

SEC. 9. No length of actual residence by any person within the city, while supported wholly or partially at the expense of the county or any township shall operate to give such person a settlement in the city.

Residence.

SEC. 10. In case any person is abandoned, neglected or not maintained and likely to become chargeable upon the city for his support, the county superintendents of the poor shall have the same right to take possession of and proceed against the property of the husband or parent responsible therefor, that they by the general laws of the State when such person is liable to become chargeable upon the county or township.

In case of abandoned person.

TITLE VII.

BOARD OF HEALTH.

SECTION 1. It shall be the original duty of the common council to adopt all needful measures for the preservation of the public health of the city, and to restrain or prohibit the exercise of any nauseous or dangerous business or avocation within the corporate limits of the city. In furtherance of such original duty and to preserve the public health of the city, and to suppress disease therein, there shall be a board of public health in the city, to consist of three members, who shall be electors of the city. The term of office of each of such members shall be three years from the first day of May of the year in which he may be appointed, and until his successor is appointed and qualified. The mayor and president of the common council shall be *ex officio* members of said board. One member, at least, of such board shall be a practicing physician, and graduate of some legally authorized medical college of this State, or in any one of the United States, or in any other country. The board of health, as thus constituted, for the purpose of organization and the management of its department, shall have all [the] authority that is conferred upon boards of health by the general laws of this State, not repug-

Duty of common council relative to preservation of health.

Board of health.

Term of office.

Ex officio members. One member a physician.

nant to the provisions of this title, in addition to the special powers vested in said board by this title.

To appoint
health officer.

SEC. 2. It shall be the duty of said board to appoint a health officer, who shall be a practicing physician, and a graduate of some authorized medical college as aforesaid, and who shall be selected with special reference to his knowledge of chemistry, hygiene and sanitary matters. Such health officer may be removed from office by a majority vote of all the members of such board of health. Such health officer shall receive a salary of not to exceed the sum of fifteen hundred dollars per annum, to be fixed by said board, payable monthly out of the general fund of said city, in the same manner as the salaries of other city officers are payable. He shall have the powers and perform the duties conferred and imposed upon him by the provisions of this title, and by the general laws of this State in regard to health officers, not inconsistent with the provisions of this title; and he shall also possess such powers, and perform such duties, not inconsistent with this title and the general laws of this State, as he shall from time to time, be required to do by the board of health of the city. Such health officer shall devote his time to the duties of his office.

Compensation
of.

Powers and
duties.

Clerk of board.

SEC. 3. Such board shall have power to employ a suitable person as clerk of said board, and for said health officer, and to prescribe his duties. The compensation of said clerk shall be a sum not exceeding nine hundred dollars per annum, to be fixed by said board, payable monthly out of the general fund of the city, in the same manner as the salaries of officers of said city are payable. Such clerk may, at any time, be discharged from his employment by a vote of a majority of all the members of said board. Such clerk shall devote his entire time to the duties of his employment.

Compensation
of.

May be
removed.

To devote his
entire time.

Office of.

When open.

City to furnish
all necessary
articles.

Meetings.

Quorum.

All expenses to
be charges
against city.

SEC. 4. Such board shall have an office provided for it and furnished by said city, which shall also be the office of said health officer and said clerk, which office shall be open on all secular days, during business hours, and it shall be the duty of the clerk of said board to be in attendance in said office during such time. Said board shall be furnished by the city, with all necessary stationary, furniture and all other material needful for the proper discharge of its duties.

SEC. 5. Said board shall meet at least once in each month at its office, and as much oftener as, in its opinion, shall be necessary. A majority of said board shall constitute a quorum for the transaction of business, though a less number may adjourn from time to time. The members of said board shall serve without compensation. All necessary expenses incurred by said board and its health officer, in the discharge of their respective duties, shall be proper charges against the city, and shall be audited and paid out of the appropriate funds of said city, in the same manner as other charges against said city are audited and paid.

SEC. 6. Such board of health shall have power to employ one or more inspectors, at a compensation not to exceed two dollars per day during the time of such employment, and shall report the same to the common council at its next regular session; but such employment shall not continue beyond the next regular meeting of the common council of said city unless such employment of such inspectors shall be sanctioned by a vote of a majority of all the aldermen-elect of said common council.

May employ inspectors, compensation of.

SEC. 7. It shall be the duty of the board of health to take such measures as it shall deem effectual, to prevent the entrance of any contagious, pestilential or infectious disease into the city; to stop, detain and examine for such purpose, every person coming from any place, who is believed to be infected with any such disease; to establish, maintain and regulate a suitable hospital at some place within the city, or not exceeding three miles beyond its corporate limits; to cause any person who may be infected with any contagious, pestilential or infectious disease within the limits of the city, to be removed to the hospital, if, in the opinion of the health officer and one other practicing physician in good standing, together with that of one of the members of the board of health, such removal is necessary for the preservation of the public health; *Provided*, That the removal can be made with safety to the infected person; to remove from the city, or destroy, any furniture, wearing apparel, or goods, wares, merchandise or any article of property of any kind, which shall be suspected of being tainted or infected with any contagious, pestilential or infectious matter, or which shall be likely to pass into such a state as to generate or propagate disease, upon paying for the same as hereinafter provided; to abate all nuisances of every description which are, or may become injurious to public health, in any manner it may deem expedient, and from time to time perform all acts and make all regulations which it may deem necessary for the preservation of the public health, and the suppression of disease in the city, and from time to time, to recommend to the common council the passage of such by-laws, ordinances or regulations as it shall deem expedient for the preservation of the public health, and the suppression of disease in the city.

Duty relative to contagious disease.

Hospital.

To cause removal of certain persons to.

Proviso.

To abate all nuisances.

Recommend passage of by-laws.

SEC. 8. Any member of the board of health, and also the health officer, shall have full police power in matters appertaining or belonging to their respective departments, and it shall be their duty to arrest all persons who are in their sight, engaged in violating any of the by-laws, ordinances or regulations of the city, in relation to the health of its citizens. Any violation of any of the said by-laws, ordinances or regulations aforesaid, shall be deemed a misdemeanor punishable by a fine or imprisonment, or by both fine and imprisonment in the discretion of the court; the fine not to exceed five hundred dollars

Powers and duty of any member of board of health.

Penalty.

and the imprisonment not to exceed one year, in the jail of Kent county, or in any city penitentiary, jail, workhouse or house of correction in said city, or in any State house of correction, or the Detroit House of Correction.

To report annually to state board of health.

SEC. 9. Such board of health shall report annually to the State board of health, in the same manner as local boards of health are now, or shall hereafter be required by law to report to said State board of health.

When city to reimburse persons for articles destroyed.

SEC. 10. Whenever the said board of health shall remove from the city, or destroy any furniture, wearing apparel or goods, wares, merchandise or any article of property of any kind, as provided for in section seven, it shall immediately make an itemized list of the same, and file such list in the office of said board, and the date of the receipt and filing of the same shall be endorsed on the back thereof by the clerk of said board. Such board shall also immediately make a copy of such list and file such copy in the office of the city clerk, who shall endorse on the back thereof the date of the receipt and of the filing of the same. Within sixty days, at least, after the filing of such copy in the office of the city clerk as aforesaid, the common council shall determine the value of the property so removed from the city, or so destroyed, and shall cause the value of the same, as determined by it, to be paid out of the general fund of the city, not otherwise appropriated, to the person or persons entitled to such property.

Duty of owner, driver, conductor, relative to report of contagious disease.

SEC. 11. The owner, driver, conductor or other person in charge of any stage coach, railroad car, steamboat, or other public conveyance, which shall enter the city, having on board any person known to him to be sick of any malignant fever or other contagious, pestilential or infectious disease, shall, within two hours after the arrival of such person, report in writing the fact to the mayor, or to the health officer of said board, with the name of such person and the house or place where he was put down in the city; and every neglect to comply with any of the foregoing provisions, shall be deemed a misdemeanor and punishable in manner and form as provided for in section eight of this title.

Knowingly bringing persons infected into city a misdemeanor.

SEC. 12. Any person who shall knowingly bring, or cause to be brought, into the city any person or any property of any kind, tainted or infected with any malignant fever, or any contagious, pestilential or infectious disease, shall be deemed guilty of a misdemeanor and punishable in manner and form as provided for in section eight of this title.

Hotel keepers, etc., to report.

SEC. 13. Every keeper of a hotel, lodging house or boarding house in the city, who shall have in his house at any time, any person sick with any contagious, pestilential or infectious disease, shall report such fact and the name of such sick person, in writing within six hours after such fact shall have come to his knowledge, to the mayor or to the said board of health,

or to the health officer thereof. Every physician in the city shall report in writing to the health officer at his office, the name, residence and disease of every patient whom he shall attend professionally, and who shall be sick of any contagious, pestilential or infectious disease, within six hours after the nature of such disease shall have become apparent to said attending physician. Any violation of any of the provisions of this section shall be deemed a misdemeanor, and punishable in manner and form as provided for in section eight of this title. All written reports made to the health officer or to the board of health, shall be written and signed in ink.

Physicians to report.

Violation a misdemeanor.

Reports to be signed in ink.

SEC. 14. All fines imposed under this title shall, when collected, be paid into the city treasury to the credit of the district library of said city, and all fines, penalties or forfeitures which have been, or shall hereafter be paid into the city treasury, assessed and collected for any breach of a penal law of this State, shall be exclusively applied to the support of the district library of said city, which money shall be applied to the purchase of books for said library, and the care and protection of the same, and to no other purpose whatsoever, and may be drawn from the treasury for that purpose, in the same manner as other school moneys are drawn. The power of purchasing such books, and the care of the same, is hereby vested in the board of education of said city.

Disposition of fines imposed under this act.

How drawn from treasury.

Power of purchasing books in board of education.

SEC. 15. It shall be the duty of the clerk of said board of health to attend the meetings of said board and keep a record of its proceedings; and such record, or a duly certified copy of the same, or any part thereof, shall be *prima facie* evidence of the facts therein contained in any court or before any officer.

Duty of clerk of board.

Evidence.

TITLE VIII.

BOARD OF ASSESSORS.

SECTION 1. There shall be three assessors within the corporate limits of the city of Grand Rapids, who shall be known as "The Board of Assessors of the City of Grand Rapids," each of whom shall hold his office for the term of three years and until his successor is appointed by the mayor and duly qualified, and whose powers and duties shall be as hereinafter provided. Such assessors shall devote their whole time to the service of the city of Grand Rapids in connection with the duties of their office, and shall not be engaged in any other business while holding the office of assessor, and shall each receive as compensation therefor the sum of not to exceed one thousand eight hundred dollars per annum, as shall be fixed annually by the common council of said city, payable monthly out of the same fund and in like manner as other city officers are paid. The member of the said board of assessors whose term of office shall soonest expire shall be the president

Board of assessors.

Term of office.

To devote whole time to service of city.

Compensation.

Who to be president of.

Office in city hall.

Board of assessors to assess all real and personal property.

May demand list of property description.

When list is not furnished.

Completion of rolls. Notice to be published.

What to state.

Limit of time for appeal.

Appeal to be in writing, to state what.

When to become a part of official records.

thereof. Such board of assessors shall have an office furnished for it by the city of Grand Rapids, in the city hall of said city.

SEC. 2. Said board of assessors shall before the first Monday in April in the year eighteen hundred and ninety-seven, and every fiscal year thereafter, assess, at its true cash value, all the real and personal property subject to taxation by the laws of this State, within the corporate limits of each ward of said city, and shall, within the same period, make and complete the assessment rolls for each ward in books to be provided for that purpose by the common council of said city to be delivered to the board of assessors on or before the first day of November in each year.

SEC. 3. The said board of assessors shall have power to demand of every person owning or having charge as agent or otherwise, of any taxable property, in any ward of said city, a list of all such property, with such description as will enable it to assess the same, which demand may be printed or in writing, or partly printed and partly written, to be delivered to such person personally or by leaving the same at his place of abode, with some suitable person of proper age and discretion; and every cashier or other officer of any bank, trust company or corporation to furnish on demand of said board, a complete list of all the stockholders, owning shares or stock in any such corporation, or company, and the amount thereof owned by each person, and the residence of each stockholder when known. If such list is not furnished by such person, cashier or other officer, or if any property in such ward is omitted from such list, then said board of assessors shall have the power, and it shall be its duty to place upon such assessment roll such property to be assessed as said board of assessors, in using its best knowledge and information, shall deem liable to assessment.

SEC. 4. After said assessment rolls shall have been completed by said board, it shall be its duty to cause notice to the taxpayers to be published in the two official newspapers in said city, for ten days prior to the first Monday in April in each year, that the assessment rolls will be completed on said first Monday in April, and that upon said day, said board of assessors will commence to sit to hear appeals therefrom. Said notice shall state where said board will sit to hear such appeals, and that any person considering himself aggrieved by reason of any assessment, may complain thereof by an appeal in writing, filed with said board of assessors within ten days after the said first Monday in April, and that no complaint will be heard if no such appeal has been filed with said board within said last mentioned date. Every such appeal shall be in writing and shall state specifically the grounds of the appeal and the matters complained of, and no other matters shall be considered by said board. The date of the receipt and filing of such appeal shall be endorsed thereon and signed by one of said board in his official capacity, and it

shall thereupon become a part of the official records of its office. The said board shall review the assessments complained of, and alter or correct the same as to the persons charged thereby, the property described therein and the estimated value thereof, and in deciding such questions, the concurrence of a majority of the board shall govern. After having completed the review and correction of said assessment rolls, the said board shall sign the same, and add thereto its certificate that the same have been duly completed. On or before the fourth Monday in April in each year, said board shall return said assessment rolls so completed, signed and certified to by it, to the common council of said city. Said board of assessors in performing its duties required of it in this act, shall have power to employ such clerical assistance as it may deem necessary, and as it shall be empowered to do by the common council of said city, at a compensation to be fixed by the said common council, to be paid out of the contingent fund of said city.

Majority of board to govern.

Certificate of completion. When to return roll to council.

May employ clerical assistance.

Compensation how fixed.

SEC. 5. After receiving said assessment rolls from the board of assessors, said common council acting as a board of review, shall, at its next regular session, and at such other sessions as may be necessary, proceed to consider the same, and any person conceiving himself aggrieved by the assessment of his property, and the decision of said board of assessors thereon, may appeal to said common council, acting as such board of review. Every such appeal shall be identical in matter with that filed in the board of assessors' office, and shall be in writing, and shall state specifically the grounds of appeal and the matters complained of, and no other matter shall be considered by the common council acting as such board of review. Such appeal shall be filed in the office of the city clerk within five days after the return of said assessment rolls to the common council, as provided for in the preceding section, and the city clerk shall endorse thereon the date of the receipt and the filing of the same, and thereupon such appeal shall become a part of the official records of his office. The common council, acting as a board of review, shall have power to administer oaths and examine witnesses, in the same manner as is now, or hereafter may be conferred upon township boards of review by the general tax laws of this State: *Provided*, That no appeal shall be entertained by said common council, acting as said board of review, unless the same shall have been first brought to the attention and consideration of the board of assessors, as aforesaid. Whenever said common council shall sit as such board of review, the said board of assessors shall be notified and it shall be the duty of each assessor to attend such session or sessions, and each of said members of said board of assessors shall answer such questions as may be put to him by the common council, acting as such board of review, and each

Council acting as board of review.

May appeal to council. Form of appeal.

When to be filed with clerk.

To become part of official record.

Council may administer oaths.

Proviso.

Assessors to be notified.

	assessor may make such suggestions as he may desire, relating to the matters under advisement by such board of review.
Duty of council acting as board of review.	SEC. 6. The common council, acting as such board of review, shall hear and determine all appeals in a summary manner and correct any clerical error which it may discover in the assessment roll, and may place thereon the names of any persons and description of any property not already assessed, and may assess the same.
Persons affected by to be notified.	SEC. 7. No assessment shall be increased or property added to said assessment rolls except on written or printed, or partly written and partly printed notice to the person to be affected thereby. Such notice shall, in case of a resident of said city, either be served personally upon him, or by leaving the same at his place of abode with [some] suitable person of proper age and discretion, at least three days before any such action is taken thereon by said common council acting as the board of review: <i>Provided</i> , That in case of a non-resident of said city such notice shall be published in the two official newspapers of said city at least three days before any action is taken by such common council acting as such board of review.
In case of resident how served.	
Proviso.	
Limit of time to hear appeals.	SEC. 8. The said common council, acting as such board of review, may continue the consideration of said assessment rolls and the hearing of such appeals from session to session, not exceeding fifteen days from the time when the same are first taken under consideration as above provided, and a vote of two-thirds of the members of such acting board of review shall be necessary to change any assessment made by said board of assessors on which an appeal has been made: On or before the expiration of the said fifteen days said assessment rolls shall be fully and finally confirmed by said common council acting as such board of review, and shall be and remain as the basis of all taxes to be levied and collected in the said city of Grand Rapids, according to the property valuation, until another assessment shall have been made and confirmed as above provided for: <i>Provided</i> , That in finally passing upon said assessment rolls a majority vote of the members of said common council, acting as said board of review, shall be sufficient to confirm the same; and in case of a tie vote the mayor of said city, who is hereby authorized and empowered in all cases to preside over said common council while acting as such board of review, shall have the deciding vote thereon, but in no other case shall the mayor have a vote while the said common council is acting as a board of review.
Vote required to change assessment.	
When confirmed by council.	
Basis of taxes.	
Proviso.	
Who to be clerk of board, duties of.	SEC. 9. The city clerk of said city of Grand Rapids shall be clerk of said common council, while acting as such board of review, and shall keep the records of its sessions and its proceedings and such other records as are necessary to be kept, and it shall be his duty to attach his certificate under the seal of the city of Grand Rapids, to said assessment rolls, after the same shall have been finally confirmed by said common council.

cil acting as said board of review, certifying that such assessment rolls, have been acted upon and confirmed by said common council, acting as such board of review, and thereupon it shall be his duty to redeliver said assessment rolls to said board of assessors.

SEC. 10. It shall be the duty of the common council on or before the second Monday in May, in the year eighteen hundred and ninety-seven, and on or before the second Monday in May in each year thereafter, to determine by resolution the amount necessary to be raised for city, highway, sewer and all other municipal [purpose] purposes for which said city may legally raise money by tax for the ensuing year ending July thirty-first of each year, and it shall be the duty of the clerk of said city to certify, under his hand and the seal of said city, the amount to be raised, to the comptroller of said city within five days thereafter, and it shall be the duty of said comptroller to apportion the amount so to be raised among the several wards of said city, according to the property valuation appearing on the assessment rolls of the several wards of said city as finally confirmed by said common council, acting as such board of review, and also to certify to the board of assessors the amount so apportioned to the said respective wards, within five days thereafter, and file a copy of such certificate in his office and thereupon the board of assessors shall proceed to assess and shall assess the amount so apportioned, as herein-after set forth.

When council to determine amount of money to raise by tax.

Clerk to certify, when.

Comptroller to apportion amount.

When to certify to board of assessors. And file copy of certificate.

SEC. 11. After the said assessment rolls shall have been fully and finally confirmed as aforesaid, and the amount of taxes to be raised have been certified to said board of assessors, as hereinbefore provided, it shall be the duty of said board to make copies of said rolls as returned to it as aforesaid and to cause the amount of all such taxes in dollars and cents authorized to be assessed and collected in each year, to be ratably assessed to each person therein named, or lots therein described, upon and according to the aggregate value such persons or lots shall have been assessed in said assessment rolls. Said assessment rolls shall be known as "The City Tax Rolls" of said city, showing in separate columns the amount of the city, highway, sewer and other municipal taxes assessed to each person, real estate and personal property in each year; and when said assessment rolls shall have been completed, footed and balanced, which shall be on or before the twenty-eighth day of June in each year, the said board of assessors, after having duly signed and certified to the same, shall deliver to the comptroller of said city, the said city tax rolls, and said comptroller shall make an entry of the same and of the totals of all taxes assessed on each of said assessment rolls respectively, in the books of his office, and he shall, on or before the first day of July thereafter annex his warrant to

To make copy of rolls.

To assess ratably.

To be known as "city tax rolls." What to show.

When completed to be delivered to comptroller.

Who to make entry of totals.

Where to annex warrant.

When rolls and warrants annexed, to be charged to treasurer.	each of said city tax rolls, signed by him, directed to the city treasurer, commanding him to collect from the persons named in said city tax rolls, the taxes therein set forth, in accordance with the mandate of the law in relation thereto; and he shall on or before the first day of July thereafter, deposit said assessment rolls, with his warrants thereto annexed, with the city treasurer, and take his receipt therefor, and charge him therewith.
When taxes to become a debt due.	<p>SEC. 12. Upon receipt of the said city tax rolls by the said city treasurer, as hereinbefore provided, the taxes therein stated shall become a debt due and payable to the city of Grand Rapids; and the city treasurer shall forthwith upon the receipt of such city tax rolls, give six days notice by publication in the two official newspapers published in the city, and also by posting the same in at least six public places in each of said wards of said city, which notices shall be a sufficient demand for the payment of all taxes assessed in said city tax rolls; that the same have been deposited with him and that payment of the taxes therein specified may be made to him at any time before the thirtieth day of December thereafter. That no addition will be made to taxes paid before the first day of August thereafter, but that an addition of one per cent on every unpaid tax will be made thereto on that day, and a like addition of one per cent on the first day of each month thereafter until such addition shall amount to six per cent of such tax: <i>Provided</i>, That when a person shall, on or before the twenty-fifth day of July hand to the city treasurer a list of the property on which he wishes to pay the taxes and shall be unable to pay said taxes before the first day of August on account of a pressure of business in the city treasurer's office, then he shall not be charged any percentage if he pays said taxes by the tenth day of August of said year.</p>
How notice to be given.	
To be sufficient demand.	
When no fee to be charged. Additional per cent.	
Proviso.	
To collect all taxes.	<p>SEC. 13. The treasurer of said city shall collect all taxes, including taxes for local improvements, assessed upon the whole city or parts or portions thereof, and for that purposesai said [treasurer] treasure shall give bonds to said city in such sum, and with such sureties as the common council shall require and approve; and such treasurer of said city shall give to the treasurer of the county of Kent, such further security as is, or may hereafter be, required by law, of the several township treasurers of the several townships of this State, and for the purpose of the collection and return of all such taxes, including taxes for State and county purposes, and the return of property delinquent for the non-payment of taxes, the said city treasurer, on giving [the] bonds or security so required, shall possess all of the powers, and exercise and perform all of the functions and duties of the several township treasurers of this State, as now are, or may hereafter be, prescribed by law, and shall also perform such other duties respecting the collection and return of taxes and special assessments, as this act imposes.</p>
Bonds of treasurer.	
Security to treasurer of Kent county.	
To possess all powers, etc., of township treasurer.	

SEC. 14. On or before the first day of August in each year, and at any time until the taxes hereinbefore mentioned are paid, it shall be the duty of the city treasurer, and the clerks and subordinates in his office, designated by him for that purpose, to collect all unpaid taxes which are assessed against any property of whatever nature, other than real estate, and, if necessary, the said treasurer and said clerks or subordinates, under the direction of and in the name of said city treasurer, shall have power to levy upon and sell at public sale any property of any person refusing or neglecting to pay such tax. Whenever any such property is levied upon as aforesaid, three full days notice of any such sale shall be given by said treasurer, by publication in the two official newspapers of said city, and by posting the same in three public places in the ward wherein such person resides, and any surplus money remaining after the payment of the tax and all interest and charges thereon, and all costs and charges of such sale, shall be paid over to the owner of such property, or person entitled to receive the same. The city treasurer shall also have the additional power, in the name of the city of Grand Rapids, to commence an action in assumpsit, or other proper action, in any competent court, against any person neglecting or refusing to pay such tax and to whom the same is legally assessed, and enforce any judgment obtained against any such person as the result of such action, by an execution issuing out of the court in which such judgment may have been obtained. Said city treasurer shall also use and take all lawful ways and means, provided by law, for the collection of debts, to enforce the collection of any such tax. The assessment rolls, in all cases, and under all proceedings provided for in this section, shall be *prima facie* evidence of the indebtedness of any such person, and the regularity of the proceedings by which such tax was assessed.

SEC. 15. Every tax levied or imposed by authority of the common council, in accordance with the provisions of this act, except where otherwise expressly provided, shall constitute a charge against the person or persons to whom assessed, from the date of the delivery of the city tax rolls to the city treasurer; such tax shall also, together with all interest and charges, become and remain until paid, a lien upon the lands and tenements, and upon the personal property against which the same is assessed, on and after the said day of the delivery of such tax rolls to the city treasurer as aforesaid. The lien against such personal property shall take precedence over any sale, assignment, chattel mortgage, levy or other lien upon such personal property, except the sale of the goods, wares and merchandise of a merchant made in the due course of trade, whether such sale, assignment, chattel mortgage, levy or other lien upon such personal property was made before or after such tax was assessed.

Duty of treasurer, clerks.

Power to levy upon and sell.

Notice of sale, how given.

Disposition of surplus money from sale.

Additional powers.

Evidence.

When taxes a charge against persons.

To be a lien upon property.

Which lien to take precedence.

Exception.

Removal from ward not to invalidate tax.

SEC. 16. In case any person upon whom any tax may have been assessed in any ward of said city, for personal estate, shall have removed out of such ward, after such assessment, and before such tax ought, by law to be collected, it shall be lawful for the treasurer of said city to levy and collect such tax of the goods and chattels of the persons so assessed, in any township within the county of Kent, or in any ward of said city, to which such person shall have removed, or in which he shall reside, or in which he may have personal property.

Treasurer may use all the means provided by law to collect assessment.

SEC. 17. Whenever any tax shall hereafter be assessed on any city tax roll for city, highway, sewer or other municipal purposes, on personal property, in any ward of said city, and shall be returned for non-payment, it shall be lawful for the treasurer of said city, in the name of the city of Grand Rapids, to sue the person or persons against whom such tax was assessed, before any court of competent jurisdiction, and to have, use and take all lawful ways and means provided by law, for the collection of debts, to enforce the payment of any such tax; or it shall be lawful, at any time after such return, for the common council of said city to direct such personal tax, so returned, to be re-assessed by the board of assessors, upon the personal or real estate of such person or persons, against whom the same was originally assessed.

Executions may be levied on any property for the collection of taxes.

SEC. 18. Executions issued upon judgments rendered for any such tax may be levied upon any property liable to be seized and sold under warrants issued for the collection of taxes by supervisors under the general tax laws of this State, as now, or at any time hereafter, in force; and the proceedings of an officer with any such execution shall be the same in all respects, as are now directed by law.

Assessment roll may be produced in evidence.

SEC. 19. The production of any assessment roll on the trial of any action brought for the recovery of any State, county or school tax, or for the recovery of any city, highway, sewer, or other tax for city purposes, therein assessed, may, upon proof that it is the original assessment roll, or the assessment roll with the proper warrant annexed, or any of the wards of said city of Grand Rapids, containing any such tax, be read and used in evidence; and if it shall appear from such assessment roll that there is a tax assessed against the defendant in such suit, it shall be *prima facie* evidence of the legality and regularity of the assessment of the same, and the court before whom the case may be pending shall render judgment against the defendant for all taxes appearing upon said roll to have been assessed to said defendant, unless he shall make it appear that he has paid such tax, and no stay of execution shall be allowed on any such judgment.

Assessment roll to be *prima facie*.

On receipt of tax treasurer to mark paid.

SEC. 20. Upon the receipt of any tax the city treasurer shall mark the same paid upon the proper roll and give a receipt

therefor. Any person owning an undivided share or other part of real estate assessed in one description may pay on the part thus owned, by paying an amount having the same relation to the whole tax as the part on which payment is made has to the whole parcel. The person making such payment shall accurately describe the part on which he makes payment, and the receipt given and the record of the receiving officer shall show such description and by whom paid. Any person having a lien upon real estate may pay the taxes thereon and the same may be added to his lien and recovered with the rate of interest borne by such lien. On the first day of January following the time when any tax shall become due and payable, the city treasurer shall add to every such tax six per cent of the amount thereof, as stated in the rolls, and the amount of such tax and of such addition hereinbefore specified, shall thenceforth be the unpaid tax and shall bear interest from said last named date at the rate of ten per cent per annum until paid, except as herein otherwise provided. On or before the fifteenth day of January the city treasurer shall add to the assessment rolls of the unpaid tax of each ward an additional column, which shall show the augmented amount of every such tax, and shall make a certified copy of the roll containing all unpaid taxes of the several wards in a book furnished for that purpose, and deliver the same to the city clerk to be left in his office. Immediately after completing such assessment rolls, as last above provided, said treasurer shall cause a notice to be published in five successive numbers of the two official newspapers published in said city, stating that said assessment rolls of unpaid taxes have been made and that they will remain in his office where such taxes may be paid until the first day of March following, after which the property against which such taxes are assessed shall be advertised and sold as hereinafter provided.

Person owning undivided share may pay his portion of tax.

In case taxes remain unpaid, proceedings of treasurer.

Notice to be published.

SEC. 21. Owners or parties having legal interest in any real estate assessed under the provisions of this title, shall be liable to pay every tax regularly assessed thereon, and if the same shall not be paid by the first day of March following the assessment of the same, it shall be the duty of the city treasurer to cause a notice to be published in the two official newspapers of the city, once a week for four successive weeks, requiring the owners or parties having a legal interest in such real estate, to pay such tax, together with all interest and charges thereon, and that if default shall be made in paying the same, such real estate will be sold at public auction on the first Monday in April thereafter, at nine o'clock in the forenoon of that day, at the court house in said city, or as soon thereafter as the description of such real estate shall be reached in the course of sale, at the highest price which shall be bid for the same, for the payment of such tax and interest and charges thereon, together with all costs and charges of

Owners, etc., required to pay every tax when due.

Real estate to be sold for taxes.

Sale to
continue.

sale. Such sale shall be continued from day to day, Sunday and legal holidays being excluded, from the hour of nine o'clock in the forenoon until the hour of twelve o'clock noon, and from the hour of one o'clock in the afternoon until five o'clock thereafter of each day, until such delinquent taxes are disposed of by such sale.

Cost of
advertising not
to exceed
certain sum.

SEC. 22. The costs of the advertising, provided for in the preceding section, shall in no case exceed the sum of forty cents for each description of real estate advertised, and shall be paid out of the general fund of the treasury, not otherwise appropriated. Each description of real estate, shall be separately exposed for sale for the total amount of the tax, all interest and charges thereon, together with all costs and charges of sale, and shall be sold to the person who bids the highest price for such real estate: *Provided*, That no bid shall be accepted for less than the amount of such tax, all interest and charges thereon, together with all costs and charges of sale.

Assessment or
tax, when not
paid, land to be
sold.

SEC. 23. If the owner or persons having a legal interest in any such real estate do not pay such assessment or tax together with all interest and charges thereon, within the period above prescribed for the publication of such notice, then it shall be the duty of said city treasurer to cause such real estate to be sold at public auction to any bidder, to pay said tax, together with all interests and charges thereon, and the costs and charges of said sale, and to execute the proper certificate of sale to the purchaser thereof. If there shall be a sum bid for such real estate in excess of the said tax, and of the interest and charges thereon together with all costs and charges of sale, the excess thereof shall be deposited with the said city treasurer to be disposed of as hereinafter provided.

When deed to
be issued.

If such real estate shall not be redeemed within one year after such sale thereof, as hereinafter provided, the mayor of said city shall, in the name of the said city, execute and deliver to such purchaser or his assignee the proper deed of conveyance of such real estate, which deed shall be *prima facie* evidence of the regularity of all proceedings under which such sale is made and said deed executed. The said deed shall be as follows: "Whereas on the ——— day of ——— A. D. —, at a public sale, made by the treasurer of the city of Grand Rapids, for taxes duly assessed by the said city of Grand Rapids for the following purposes (stating the purpose for which the assessment was made) A— B— became the purchaser of the following described real estate, namely, (describe real estate) for the sum of ————dollars, that being the amount of the tax, interest, costs, and charges thereon. Now, therefore, know all men by these presents, that I, C— D—, mayor of said city, in consideration of the premises, do hereby grant, bargain, sell and convey unto the said A— B—, his heirs and assigns, the real estate above described, as so purchased

Form of deed.

by him, to have and to hold the same to the said A— B—, his heirs and assigns forever.

Witness my hand and the seal of the city this ——— day of ———, A. D. ———.

Signed, sealed and published in presence of.

C—— D——,

Mayor of the City of Grand Rapids.

SEC. 24. In all sales of real estate for taxes as aforesaid, if the purchaser or his assigns, shall have died before a deed of conveyance of the same shall have been issued and delivered to said deceased purchaser or his assigns, such deed of conveyance shall be issued in the name of the deceased purchaser or his assigns, as the case may be, and the same shall be delivered to his or their heirs or devisees, but if delivered to the heirs or devisees of such deceased purchaser, it shall be subject to the legal claims of all his creditors. In case the executor or administrator shall have assigned such certificate of purchase, then such deed of conveyance shall be issued and delivered to the person to whom such assignment shall have been made, but subject to the legal claims of all the deceased's creditors.

If purchaser dies before deed is issued, who issued to.

SEC. 25. Such public sale shall be conducted by the city treasurer, but no sale shall be made to any person of real estate, unless such person shall bid the amount of the tax and all interest and charges thereon, together with all costs and charges of such sale. In case no person shall bid the amount of such tax, and all interest and charges thereon, together with all costs and charges of such sale, the said real estate shall be struck off to and in the name of the city of Grand Rapids, and the city shall thereby become the purchaser of such real estate on such sale. In case any purchaser of such real estate, or any part thereof, upon any such sale, shall refuse or neglect to pay the amount bid by him within twenty-four hours after the time at which such sale was made, any other person who is willing to immediately pay the amount of such bid, and take the interest in such real estate which such purchaser was to have for such bid, shall be entitled to have a certificate of sale made out, executed and delivered to him of such interest in such real estate by the city treasurer; otherwise such bid shall inure to the use and benefit of the city of Grand Rapids, and the city shall be considered to become the purchaser thereof, for the amount of the tax and all interest and charges thereon, together with all costs and charges of such sale.

Sale, how conducted.

SEC. 26. A certificate shall be given by the city treasurer to each purchaser of any interest in real estate, on such sale, containing an accurate description of the interest so purchased, the year and the tax for which such purchase was made, the amount of such tax and all interest and charges thereon, together with all costs and charges of sale; the date of sale, and also stating that such purchaser will be entitled

Certificate to be given purchaser by city treasurer.

to a deed thereof within one year from the date of such sale. Such certificate shall be dated and shall be signed by the city treasurer.

Deeds to be
witnessed and
acknowledged.

SEC. 27. Deeds for all sales for taxes assessed on real estate under this act shall be witnessed and acknowledged, and when so witnessed and acknowledged shall vest the title in fee to such real estate in the purchaser thereof or his heirs or assigns, and such deed of conveyance shall be deemed and taken to be *prima facie* evidence of the existence and regularity of all such prior proceedings as might be otherwise required to be proven in order to establish the title in such purchaser of such real estate.

Excess of sale,
who paid to.

SEC. 28. In case a greater amount is bid for any real estate and the same is sold, than the amount of such tax or assessment and all interest and charges thereon, together with all costs and charges of sale, the same shall be deposited with the city treasurer, whose duty it shall be to keep the same for the benefit of the persons entitled thereto. Any person entitled to such excess shall present to the common council of said city satisfactory proof by affidavit, and such other evidence as the common council may require, of his claim thereto, and the said common council if satisfied that the person claiming the same is lawfully entitled thereto, shall order a warrant to be drawn upon the treasurer in favor of said person for the amount thereof, which warrant shall be signed by the clerk of said city, and countersigned by the comptroller thereof, and shall be paid by the treasurer on presentation of the same:

To be paid on
proof by
affidavit.

Provided.

Provided, That the said common council may, if it seem to it expedient, before it shall allow such claims or order to be paid, require of such person a bond of indemnity to the city of Grand Rapids in a penal sum of at least twice the amount of the excess claimed, with good and sufficient sureties to be approved by said common council, conditioned to save the city of Grand Rapids harmless and indemnified against all suits and proceedings, damages, costs and charges which may be brought, recovered, sustained or in anywise incurred by reason of allowing or paying over such excess to such persons, and: *Provided, further*, That the city of Grand Rapids in any case shall not be liable to pay any person claiming such excess any interest thereon.

Further
provided.

To be subject
to redemption
for one year.

SEC. 29. Any real estate sold under the provisions of this act or any distinct parcel thereof which is separately assessed, may be redeemed at any time within one year after the date of sale of the same, by paying to the city treasurer the amount for which it was sold with interest thereon at the rate of eight per cent per annum; and said treasurer shall keep account of such payments in books to be furnished and kept in his office as official records thereof, which books shall be *prima facie* evidence of the matters hereby required to be entered therein.

SEC. 30. Whenever any payment is made to the city treasurer either for taxes or for the redemption of any real estate sold for taxes, after the certified copy of the roll containing all unpaid taxes of the several wards is made by him in a book and delivered to the city clerk, as provided for in section twenty of this title, he shall give a receipt therefor to the person making such payment, and immediately make a duplicate thereof duly certified by him to be a true and compared copy of such receipt, and deliver the said duplicate to the city clerk, who shall keep the same as a part of the official records of his office; and said city clerk shall enter the substance of such receipt in a book to be kept by him for such purpose, and such book shall also be a part of the official records of his office.

Treasurer to give receipt.

Duplicate receipt to be given city clerk.

SEC. 31. All moneys realized from sales of any property, together with that received from the redemption of real estate, both as hereinbefore provided, shall be received by the treasurer of said city and by him placed to the credit of the general fund of the said city.

Moneys received by treasurer to be placed to credit of general fund.

SEC. 32. In case the city of Grand Rapids shall become the purchaser of any real estate on the sale thereof for an unpaid tax, as hereinbefore provided, the city treasurer shall certify to the common council of said city at its next regular meeting, a statement of the parcels so struck off to the city, and the amount of the tax for which such parcels so struck off were assessed, together with all interest and charges thereon, and the costs and charges incurred on account of the sale thereof.

Treasurer to certify to council when city becomes purchaser.

SEC. 33. After the sale of said real estate by the city treasurer for an unpaid tax as aforesaid, he shall enter the same by identical description as sold, in the books kept by him for redemption purposes, as hereinbefore provided, and the same shall become a part of the official records of his office.

Treasurer to enter identical description of real estate sold.

SEC. 34. All sums of money directed to be raised by the common council, except as in this act otherwise provided, shall be assessed upon all the real estate and personal property in the city, not exempt from taxation by the general statutes of the State, and upon all the personal property of residents of the city, not so exempt, according to the valuation thereof by the last preceding assessment rolls filed in the office of the board of assessors, but no real estate or personal property which shall be exempt from taxation by the general statutes of this State, nor any public square, park or other public ground, shall be assessed for the ordinary State, county, city, highway, sewer or school taxes: *Provided, however,* That the provisions of this section shall not prevent the assessments and the collection thereof, to defray the expense of street and other improvements upon real estate deemed to be benefited, according to the provisions of title V of this act.

Assessments, how and on what made.

Board of assessors to make copies of roll.

To attach warrant to roll.

Treasurer to have an office for the receipt of taxes.

Notice to be given on receipt of roll.

Proviso.

Collection fees.

SEC. 35. It shall be the duty of said board of assessors of said city to make copies of all assessment rolls as finally confirmed by the said common council of the city of Grand Rapids, while so acting as a board of review, as hereinbefore provided, upon which said assessment rolls said board shall ratably assess the state, county and school taxes, as provided by the general laws of the state. When the said assessment rolls shall have been finally completed, footed and balanced by said board of assessors, it shall attach to each of said rolls its warrant, signed by the members of said board, and deliver the same, with such warrant so attached, to the treasurer of said city within the time prescribed by law for the completion and delivery of the township rolls to the respective township treasurers of the state. Upon the receipt of such assessment rolls with the warrant so attached, it shall be the duty of the treasurer of said city to collect the taxes on said assessment rolls, assessed as aforesaid, and to return the same to the treasurer of Kent county within the time prescribed by law, in like manner as the same is now, or may hereafter by law be required in warrants of township treasurers for the collection of taxes in townships of this state.

SEC. 36. The treasurer of said city shall have an office for the receipt of all taxes and assessments payable to him, which office shall be open from eight o'clock in the forenoon until noon, and from one o'clock in the afternoon until five o'clock thereafter, of each secular day, not a legal holiday, of the time during which any tax roll shall be in his hands for collection. Upon the receipt of any tax roll for State, county or school taxes, he shall give notice thereof in the two official newspapers, published and circulated in said city, for at least ten days next after the first publication of said notice, and by printed notices posted in at least five public places in each ward of the city; which notices shall describe such tax roll, and the general nature of the taxes therein contained, and shall also name the location of his office: *Provided*, That the common council can, by resolution duly entered on its minutes, order the said office to be kept open at such other hours as it may deem best.

SEC. 37. For the collection of all State, county and school taxes the city treasurer shall be entitled to add to all such taxes collected by him the same interest, collection fees and charges as now are, or hereafter may be, provided by the general tax laws of the State, for interest, collection fees and charges on township tax-rolls when collected by the township treasurers of this State: *Provided, however*, That all such collection fees and charges which now are, or hereafter may be, by the general tax laws of [this] the State, payable to the township treasurer to his own use shall, when collected by said city treasurer, be by him paid into the general fund of said city for the use of said city.

SEC. 38. The city treasurer of said city of Grand Rapids and all his clerks and subordinates whose duty it shall be to collect such State, county and school taxes shall use all legal means to collect the same within the soonest possible time.

Treasurer to use all legal means to collect in the soonest time.

SEC. 39. The city treasurer shall pay into the city treasury all school taxes, in any manner received by him, as such city treasurer, and credit the same to the school fund of the city.

To pay school taxes into city treasury.

SEC. 40. The city comptroller shall, as far as possible, protect the title of the city in any real estate of which the city shall have become the purchaser in pursuance of the provisions of this act, and for that purpose shall purchase the same at any sale for State, county or municipal taxes or assessments, when such sales shall take place, and such purchase shall be in the name of the city of Grand Rapids. Two weeks before the date of sale of any real estate upon which the city has a prior claim or claims, he shall report to the common council a list of the parcels of such real estate, and the amount for which said property is to be sold, and also the amount of such prior claim. He shall also attend to the collection and payment into the proper fund of the city treasury, of all money received by the county treasurer on account of the redemption of real estate sold for all previous delinquent taxes.

City comptroller to protect title of city to real estate.

SEC. 41. The present board of assessors of the city, as constituted at the passage of this act, shall be and remain the acting board of assessors of the city, and shall continue to discharge all the duties and functions thereof, subject to the provisions of this act: *Provided*, That whenever the term of office of any member thereof shall expire his successor shall be appointed by the mayor; and those who are so appointed shall serve with the present members of the board whose terms of office shall not have expired, until the same shall expire. The members of said board of assessors shall be *ex officio* members of the board of supervisors of the county of Kent.

Board of assessors, mayor to fill vacancies in.

SEC. 42. All books, papers, assessment rolls and records, formerly belonging to the offices of the respective supervisors of the several wards of the city, shall be placed in the office of the said board of assessors; and all future original assessment rolls shall be placed therein; and all such books, papers, records and assessment rolls shall remain therein as a part of the official records thereof.

The former books, papers, etc., of supervisors to be placed in office of board of assessors.

TITLE IX.

BOARD OF PUBLIC WORKS.

SECTION 1. There shall be a board of public works in the city, composed of six members, all of whom shall be qualified electors and actual residents of the city, five of whom shall be appointed by the mayor. The mayor shall be *ex officio* member of such board.

Board of public works to be appointed by mayor.

Present members to continue.	SEC. 2. The members of said board, as now constituted, shall continue to hold their respective offices until their successors are appointed and qualified, in the manner provided for in section eight of this Title, and shall discharge all the duties and functions thereof, in accordance with the provisions of the same.
To take oath of office.	SEC. 3. Any person appointed to and accepting membership on said board, shall take the oath of office prescribed by this act, and file the same in the office of the city clerk, within the time provided for in this act, which filing shall constitute an acceptance of the office; and said clerk shall thereupon report such acceptance of office to the common council, at its next regular meeting: <i>Provided</i> , Such person shall have filed his official bond in accordance with the provisions of this act.
To elect president.	SEC. 4. The said board shall annually elect one of its appointed members president thereof, to act as such until his successor is elected and shall, from its appointed members, fill any vacancy in such office of president.
Duty of members.	SEC. 5. The members of said board shall discharge such duties and functions as appertain to the consideration and decision of all questions before the board, under the conditions and restrictions herein prescribed.
Compensation.	SEC. 6. The appointed members of said board shall each receive at the rate of three dollars per day for actual time necessarily spent in the discharge of the duties of their office, whether attending as members upon the sessions of said board or otherwise; but no account for services by appointive members, other than for attendance upon sessions of the board, shall be paid unless the same shall first be approved by said board.
To verify accounts for service.	SEC. 7. The appointive members shall make and verify their accounts for services, charging at the rate aforesaid, and thereupon it shall be the duty of the common council to allow and order payment for such services from the general fund of said city.
Term of.	SEC. 8. The full term of each member of the board of public works, hereafter to be appointed, shall be three years, and until his successor is appointed and qualified. Such appointments shall be made by the mayor. Whenever the term of office of any member of the present board of public works shall expire, his successor shall be appointed by the mayor in accordance with the provisions of this act in relation to the appointment of officers to be made by the mayor. Vacancies occurring in the present board or in any future board, shall be filled in accordance with the provisions of this act. Said board shall have power to make such by-laws, rules and regulations, as may be necessary or expedient for the conduct of the business of the board, not inconsistent with this title. The common council shall provide said board with suitable office room for its meetings and business uses, record books, stationary
Vacancies, how filled.	
Council to provide office room.	

and other things necessary for the transaction of the public business in charge of said board. All necessary expenses incurred by said board shall be presented to the common council in accordance with the provisions of this act, whose duty it shall be to audit and order the same paid in like manner as other accounts against the city are paid.

SEC. 9. No appointive member of said board shall hold any elective office under the charter of said city, during his continuance as a member of said board, and his election to any office in said city by the people, which he shall not forthwith resign, shall be deemed to be a resignation of membership, and shall vacate his office in said board.

Members of board not to hold elective office.

SEC. 10. No member of said board shall be personally interested, either directly or indirectly, in any contract for any public work in said city, under the control of said board, nor in the purchase, sale or disposition of any material to be used or applied in or about any public work or improvement under the control of said board.

Not to be interested in contracts for public work.

SEC. 11. Said board of public works is hereby empowered to determine and establish the grade line of all streets, highways, lanes, alleys courts, sidewalks, public places and public grounds in the city, and to compel the laying of all sidewalks in conformity with the grade line thereof; and in case any sidewalk shall be laid not in conformity with such grade line, said board of public works shall remove such walk and rebuild the same in accordance with the grade line so established, and the cost thereof shall be a charge against the adjoining property and become a lien thereon until paid. Such lien to be enforced in accordance with sections nineteen, twenty and twenty-one of Title V of this act in relation to the construction and repair of sidewalks; to locate all necessary main and lateral sewers, drains, culverts, vaults, arches, and bridges, wells, pumps, fountains and reservoirs in said city; to cause to be graded, graveled, paved, planked or covered with other material all such streets, highways, lanes, alleys, courts, sidewalks, and public places and public grounds in said city, and to construct all such main and lateral sewers, drains, culverts, vaults, arches and bridges, wells, pumps, fountains and reservoirs, as the common council shall, by resolution, declare to be necessary public improvements. It shall be the duty of said board of public works to establish the grade line for sidewalks on any unimproved street, at the request of any owner of adjoining premises. Whenever the common council shall order back water traps to be put into the connections with any public sewer, said board shall see that the same are put in in accordance with such order, and the cost of putting in the same shall be a lien upon the premises where the same are put in, until paid, and may be enforced in manner and form as provided for in this act for the construction and repair of sidewalks.

Power and duty of board.

Grading,
paving, etc.

Proviso.

Erecting and
furnishing pub-
lic buildings.

Board to have
control light-
ing plant.
To employ and
fix compensa-
tion of as-
sistants.

To advertise for
proposals.

Proviso.

SEC. 12. The board of public works of the city shall have power to grade, gravel, raise, level, repair, mend, pave or cover with broken or pounded stone, plank or other material, all streets, alleys, lanes, highways, courts, public places and public grounds, or sidewalks in the city, and such designated portions of any street, alley, lane, highway, court, public place or public ground in the city, as the common council, by a majority vote of all the aldermen elect, shall by resolution, declare to be a necessary public improvement, whether the same has been previously graded, graveled, raised, leveled, repaired, mended, paved or covered as aforesaid, or not: *Pro-vided*, That the common council shall not have authority to declare the grading, graveling, raising, leveling, repairing, paving, or covering as aforesaid, of any street, alley, lane, highway, court, public place or public ground, or designated portion thereof, a necessary public improvement, unless it shall have been petitioned so to do by the owners of a majority of the foot frontage of all real estate on said street, alley, lane, court, highway, public place or public ground, or designated portion thereof, proposed to be improved residing in the city, after the grade shall have been established. But this proviso shall not apply when the common council shall by an affirmative vote of five-sixths of all the aldermen elect of said common council, declare such grading, graveling, raising, leveling, repairing, mending, paving or [covering] recovering as afore-said, a necessary public improvement.

SEC. 13. Said board shall have charge and control of the erection and construction of engine houses, city hall, public market buildings, electric light building, or other building for furnishing public lights to the city, and all other public build-ings, except school houses, in the city. Said board shall also have charge and control of the maintenance and operation of any electric or other lighting plant; may employ and fix the compensation of such assistants as it shall deem necessary, and shall have in relation thereto the same powers and duties as far as applicable, that it has in relation to the water works of the city. In the erection of public buildings, and in the grading, graveling, paving, planking or covering with other material any street, highway, lane, alley, court, public place or public ground, and in constructing main and lateral sewers, drains and other public works or improvements, including works for supplying the city with water, said board shall advertise in the official papers of the city, for proposals to execute the work, and for material, according to plans and specifications adopted by the board, and make contract with any responsible bidder: *Provided*, Said board shall require security for the performance of proposals tendered to said board, if the bid is accepted, and security for the performance of any contract entered into. Said board shall have the right to reject all bids made, and in case all bids are rejected, the

board shall re-advertise for proposals to execute the work and for material. After such re-advertising as aforesaid, if the board shall reject all bids made thereon, the board shall either advertise a third time or perform such work and furnish the material therefor itself; and if the latter method shall be adopted, it shall be its duty to communicate in writing to the common council, at its earliest opportunity, its determination so to do; and after the completion of such work, at its earliest opportunity, the board shall make an itemized report in writing to the common council of all money expended by it in the prosecution of such work, and the purchase of such material, stating therein for what particular purpose said money was expended.

SEC. 14. Whenever the common council shall, by resolution, declare any public work in said city a necessary public improvement, or shall order the construction of any public work, which is to be done by or under the charge and control of the board of public works, it shall be the duty of said board, and said board is hereby authorized to determine and designate the kind and quality of all material to be used in the construction of such work: *Provided*, That if the owners of a majority of the foot frontage of all real estate on any street, highway, lane, alley, court, public place or public ground, or designated portion thereof, proposed to be improved, residing in the city of Grand Rapids, shall, in their petition to the common council for such improvement, designate the character of such improvement, and such improvement shall be ordered by the common council as designated in said petition, then it shall be the duty of said board to substantially follow such designation. When the board shall have determined and designated the kind and quality of all material to be used in the construction of such work, the said board shall estimate the probable cost and expense of such work, and of the materials to be used, in detail, and cause to be prepared, so far as necessary, plans and specifications for such work, and report their estimate to the common council as a basis for assessing, or otherwise raising, according to law, the funds necessary to enable the board to go forward and complete such work. Whenever said board shall be requested by the common council to furnish an approximate estimate of the cost of improving any street, lane, alley or other public place in any particular manner, as designated in such request, said board may also furnish an approximate estimate for the improvement named in such request in any other manner, and may accompany the same with its recommendation in reference to such improvement.

Board to designate kind and quality of material to be used.

Provided.

To estimate cost, prepare plans and specifications.

SEC. 15. The paving, grading, graveling, planking or covering with other material of all streets, highways, alleys, lanes, courts, sidewalks, public places and public grounds, the construction of all main and lateral sewers, drains, culverts,

What work to be executed under control of board.

arches and bridges, and all other public works, which the common council shall declare, by resolution, to be necessary public improvements; the construction of all wells, pumps, fountains and reservoirs, and the erection and construction of all public buildings in the city, except public school houses, shall be done under the charge and control of the board of public works, and upon written contracts entered into by it, except as hereinbefore provided in section thirteen of this title, and under plans and specifications to be prepared by the city engineer, or other person duly authorized by said board so to do, and approved by said board. All money appropriated by the common council for such purposes, shall be expended by such board for the purposes designated, so far as shall be necessary, to be drawn from time to time, from the appropriate fund, by order of the common council, upon estimates of amounts earned, to be made by the board and reported to the common council in accordance with the terms of such contract, and no money shall be drawn from the city treasury, under this title, except upon the order of the common council. All contracts prepared in accordance with this section or of this title, shall be first submitted to the common council for approval, before the adoption and execution thereof, and the common council shall have power to reject any such contract, if it shall see fit so to do. The construction of private driveways from the gutters to the street line, in any street which shall have been improved, or which has been, or may hereafter be ordered improved, shall be done under the direction of, and in accordance with the plans adopted by said board.

City to be
liable on
contracts.

SEC. 16. The city of Grand Rapids, and not the board of public works, shall be liable on all legal contracts made by the latter. All the buildings and other improvements hereinbefore mentioned in this title, shall be deemed public improvements within the meaning thereof.

Board to employ
surveyor or engineer and
assistants.
Compensation
of.

SEC. 17. Said board is hereby authorized to employ some suitable person as surveyor or engineer, and such assistants as may be necessary, who shall receive such compensation for their services as may be provided and fixed by said board, not exceeding the sum of three thousand dollars per annum for said surveyor or engineer, which said compensation so fixed as aforesaid shall be audited, allowed, and paid in the same manner as is provided for the auditing, allowing and paying the salaries of city officers. Such surveyor or engineer shall perform such services as may be required by the board of public works or the common council of the city.

Council may
call for state-
ment of pro-
gress of work.

SEC. 18. The common council may, at any time, by resolution call upon said board of public works to furnish a statement to the common council showing the condition, progress and operation of any work or improvement being carried forward under the charge and control of said board, and it shall be the duty of such board to furnish such statement without unnecessary delay.

SEC. 19. Said board is hereby authorized and empowered Water supply. to cause the city of Grand Rapids and its inhabitants to be supplied with water and to procure such supply from any source or sources within or without the limits of said city; to determine the kind and quantity of power and machinery required therefor, the pipe, conduits, and reservoirs to be used, and the manner and extent of distribution in said city. Said board may contract for constructing all necessary works, the doing of all necessary labor, and for the purchase and manufacture of all necessary material appertaining to the procuring, storing in, and furnishing to said city and its inhabitants a supply of water. Said board may purchase and lease lands, water rights, and other privileges deemed necessary in effecting such supply; it shall have power to erect and maintain a dam in Grand river on or near the rapids thereof, and within the corporate limits of the city, in order to procure a sufficient supply of water for the use of the city and of the citizens thereof; it may lay pipes in the streets, highways, alleys, lanes, courts, public places and public grounds of said city, and also lay service pipes to each lot thereon, when laying water mains therein, and when improving the same, in such manner and place as the board shall deem necessary, and establish and erect fire hydrants, jets and fountains. Said board shall establish the rates to be paid by consumers of water, and the terms and conditions upon which consumers of water furnished by said water works shall be entitled to be supplied: *Provided*, That before any contract for constructing said water Proviso. works and furnishing materials therefor shall have been entered into, the common council shall legally provide the means to meet the estimated cost thereof in accordance with the provisions of this act for raising money.

SEC. 20. Said board shall make an estimate of the cost and Board to make estimate of cost of water works. expense of said water works, and of the materials necessary to be used therein, and report the same to the common council; and thereupon it shall be the duty of the common council to provide the means or funds to meet the cost and expense of the same according to such estimate, in the manner provided by law: *Provided*, That the existing provisions of law in reference to submitting to a vote of the electors of said city of Grand Rapids any matters involving the necessity of issuing any bonded indebtedness against said city shall not be deemed to be affected by any provisions of this act. Proviso.

SEC. 21. Said board shall have power to collect, or cause to be collected, the charges for water supplied to any consumer, and to any premises, all of which shall be paid into the city treasury; it shall have power to employ such collectors, superintendents, engineers and laborers as may be necessary in the collection of such charges, and in the care, management and maintenance of such works, and to fix their compensation. It shall make all needful rules and regulations for the imposition Collection of water charges. Employment of collectors. Rules and regulations.

Charges to be a lien on premises. of water rates, and for the collection of charges for water supplied as aforesaid; and also make rules and regulations for connecting the water works with private property, and in relation to the use of water supplied thereby to consumers and premises, and may deprive such consumers and premises of a supply of water from such water works, until all arrearages for water supplied are paid, and may also enforce the payment of the same by a suit commenced in the name of the city in any court of competent jurisdiction. All charges for water supplied to any consumer and to any premises under the rules and regulations as aforesaid, and also the cost of the service pipes, as provided for in section nineteen of this title, shall be, in either case, a lien upon the premises to which said service pipe was laid, until paid, and such lien may be enforced in manner and form as is provided for in this act for the construction and repair of sidewalks by the city.

To license plumbers, drain layers. SEC. 22. Said board shall have power to license plumbers, drain layers or other competent persons to lay service pipes and lateral drains to connect with public water mains and public sewers, and no person shall dig, or cause digging to be done, in any street, highway, alley, lane, court or public place or public ground in the city for the purpose of making such water or sewer connections, without first obtaining from said board a permit therefor. Any person who shall dig as aforesaid, or shall cause such digging to be done, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not to exceed twenty-five dollars for each offense, or imprisonment in the jail of Kent county, or in any city penitentiary, jail, workhouse or house of correction in said city, for a period not exceeding thirty days, or both, in the discretion of the court. No person other than those holding an unrevoked license from the board, shall extend, or do any plumbing on any private pipe connected directly or indirectly, with any public water main or public sewer, or connect any private pipe with any public water main or public sewer. Any person who shall violate any of the last above provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed fifty dollars and costs of prosecution for each offense, or imprisonment in any of the above named institutions for a period not exceeding thirty days. Upon failure to pay such fine and costs, the party so convicted may be imprisoned in any of the above named institutions for a period not exceeding thirty days, unless such fine and costs are sooner paid.

Any person violating to be guilty of a misdemeanor. Penalty.

Person to have license to do plumbing.

Penalty for violation.

Collectors, engineers, etc., to make report to said board. SEC. 23. All collectors, superintendents, engineers, plumbers and drain layers in the employ of, or licensed by said board, shall make report to said board of their doings, from time to time, in accordance with such rules, regulations and requirements as said board may legally make in the premises, and, in all things, shall conform to such rules, regulations and require-

ments. The board shall have power to compel any person acting under authority from it, to restore any sidewalk, pavement, street, highway, alley, lane, court, public place or public ground that he shall dig up or disturb, to a condition that shall be satisfactory to said board. In case any person holding a license from the board shall fail to comply with any of the rules, regulations or requirements made by said board, applicable to the person holding the same, such license may be revoked by said board.

Board shall compel person to restore sidewalk.

Person not complying with rules of board, license to be revoked.

SEC. 24. Said board shall reserve the right in all contracts, to determine finally all questions as to the proper performance of such contracts, and [as] to the completion of the work specified therein, and in case of the improper, dilatory or imperfect performance thereof, to suspend the work at any time, to order the partial or entire reconstruction of the same, or to relet the work covered by such contract, or any unfinished portion thereof, whenever, from unreasonable delay in the work, or for other just cause, it shall deem such contract forfeited; and power is hereby given said board to determine all such questions arising under any such contract, according to the true intent and meaning thereof. Said board also reserves the right in all contracts, when it shall become satisfied that the work provided for in any contract will not be completed by the contractor within the time limited, to place additional men and teams on said work and supply additional material, if necessary, and render such assistance as it may deem advisable for the completion of such contract, and all such costs and expenses so made, shall be charged to the contractor and retained by said board out of the contract price.

Board shall reserve right to determine finally all questions of performance of contract.

Additional help and materials may be used to complete contract by certain time.

Expense to be charged to contractor.

SEC. 25. Said board, for the city and under its direction, their agents, employes and workmen, are hereby authorized to enter upon any real estate, or water, within or without the corporate limits of the city for the purpose of making surveys, and to agree with the owners of any real estate, property, rights or privileges which may be required for the purpose of obtaining or conveying a supply to water to, in or through said city, as to the amount of compensation to be paid such owner; and also for obtaining the right of flowage of water upon real estate of any owner thereof, and of erecting dikes thereon, and the compensation to be paid to the owner therefor. In case of a disagreement between the board and the owner of any real estate, property, rights or privileges, which may be required for such purpose by any operation connected therewith, as to the amount of compensation to be paid such owner, or in case such owner shall be a minor, insane or a non-resident of the State, the same shall be reported to the common council by said board, and thereupon said common council shall cause such proceedings to be instituted, in the name of and in behalf of said city, as are prescribed in this act, or the general statutes of the State, for the condemnation of real

Said board to make arrangements for obtaining and conveying supply of water.

In case of a disagreement between board and owner.

estate taken for public improvements, and prosecuted according to the provisions thereof.

Jury to find amount of damages for owner and amount of real estate that may be taken by board.

SEC. 26. When the amount is found by the jury provided for in the preceding section, and reported as damages, such damages shall be paid into the city treasury for any such owner, and the common council shall have the right to accept so much real estate, property, rights or privileges as is covered by the finding of said jury, for all purposes contemplated by the proceedings aforesaid; and the person in whose behalf such finding of the jury is made, shall be entitled to draw the amount from the city treasury upon giving a receipt therefor, expressing therein that such amount is in full for all damages sustained by him in the premises.

Any person injuring or polluting water shall be guilty of a misdemeanor.

SEC. 27. If any person shall do, or cause to be done, any act whereby any work, material or property selected or used for the purpose of procuring or keeping a supply of water for the city, shall, in any manner be injured, or shall pollute any such water, he shall be deemed guilty of a misdemeanor for each of such acts committed, and upon conviction thereof in any court of competent jurisdiction, he shall be punished by a fine of not less than five dollars nor more than five hundred dollars and costs of prosecution, or by imprisonment for not less than thirty days nor more than one year, in any of the institutions mentioned in this title. In case such fine and costs are not paid, such convicted person may be imprisoned in any of the said institutions for a period not exceeding thirty days, if such fine and costs are not sooner paid.

No person shall tap main or distributing pipe.

SEC. 28. No person shall, without the authority of the board of public works, or through the authority delegated by it to any of its agents or employes, perforate or bore, or cause to be perforated or bored, any reservoir, distributing pipe or main, belonging to the water works of the city, or make, or cause to be made, any connection or communication whatever with said reservoir, distributing pipe or main, or dig up or molest the same. Any person offending in any of the matters aforesaid, shall be deemed guilty of a misdemeanor for each offense so committed, and upon conviction thereof, shall be fined a sum not exceeding fifty dollars and costs, or imprisonment not exceeding thirty days, or both, in any of the institutions mentioned in this title, in any court of competent jurisdiction. In case such convicted person is fined merely and shall not pay such fine, he may be imprisoned in any of the institutions mentioned in this title, for a period not exceeding thirty days, if such fine is not sooner paid.

Offense deemed a misdemeanor.

Penalty.

No person shall interfere with the water works.

SEC. 29. No person shall interfere with the water works of said city, or any part thereof, in any manner, to diminish or prevent the supply of water for the extinguishment of fires in the city. Any person interfering therewith, in manner above mentioned, shall be deemed guilty of a misdemeanor for each offense, and upon conviction thereof, shall be punished

Penalty.

by a fine not exceeding five hundred dollars, or by imprisonment in any of the institutions mentioned in this title, for a period not less than one year. In case such fine is not paid, such convicted person shall be imprisoned in any of such institutions for a period not to exceed thirty days, if such fine is not sooner paid.

SEC. 30. All contracts made by the board of public works shall be in the name of the city of Grand Rapids, and be signed by the mayor of said city and the president of said board, after the same shall have been approved by the board and the common council of said city. Said board is hereby authorized to commence and prosecute in the name of said city, any suit or proceedings for the recovery of any penalty or forfeiture incurred by any person under the provisions of this act, or for damages for breach of any contract authorized to be made and entered into by said board, or to enforce the performance of any such contract, and to enforce obedience to the provisions of this title.

Contracts to be in name of city of Grand Rapids.

Said board may prosecute in name of city.

SEC. 31. The board of public works shall keep a record of its proceedings and determination, and therein shall be shown the vote of each member voting upon every question brought before and decided by said board, which record shall at all times be open to public inspection and shall be public records.

Board to keep a record of the proceedings.

SEC. 32. Three of the members of said board shall form a quorum for the transaction of business, but it shall require the concurrent votes of at least three of the members of said board to decide questions before the board, and in case of a tie vote the question shall be deemed to be lost. All bonds and contracts taken by said board shall be filed and preserved in the office of the board.

Quorum.

Bonds and contracts.

SEC. 33. Said board in its discretion, shall have power to repair, extend and improve the main and distributing pipes in the city, and all other parts of the water works of the city, connected therewith, and may also provide an additional supply of water, as the same shall be needed, whenever requisite means are provided for that purpose. Whenever said board shall deem such work necessary, it shall communicate its determination to the common council, with its reasons therefor, and also a general plan of the work proposed, with an estimate of the cost thereof, whereupon the common council is authorized to borrow such money on the faith of the city, for the purpose of defraying the expenses of such work, as it may deem expedient, not exceeding such estimate, for a term not exceeding twenty years, at a rate of interest not exceeding six per cent per annum; and for such purpose may issue the bonds of the city signed by the mayor and countersigned by the city comptroller, and in such [form] forms and sums as the common council shall direct, and such bonds shall be disposed of under the direction of the common council, or of the mayor, upon such terms as may be deemed advisable, but not for less

Board may extend and improve water system.

When to report to council.

Proviso.

than the par value thereof, and the avails shall be applied to the purposes aforesaid, and to no other purposes: *Provided*, That nothing in this section contained shall be so construed as to authorize the incurring of any bonded indebtedness against the city, for any of the purposes aforesaid, unless the qualified electors voting upon such question, shall have authorized the issuing of said bonds by a majority of their votes cast thereon at any regular election, or at a special election called for the purpose of voting upon such question.

Board to have power to repair when water works are injured by accident.

SEC. 34. Whenever the water works, or other works under the charge and control of the board of public works, shall be injured or impaired, by accident or otherwise, said board shall have power, by and with the written consent of the mayor, filed with the city clerk, to repair or reconstruct said works, by contract or otherwise, when, in the opinion of said board, such repair or reconstruction is immediately necessary, and the interests of the city will be jeopardized by delay. In case said board shall repair or reconstruct any work, as aforesaid, said board shall, without delay, make a full report to the common council of the nature and extent of such repair or reconstruction, with an itemized statement of the cost thereof, and thereupon it shall be the duty of the common council to provide the means to meet the cost thereof in the manner provided by law.

Plat of city to be submitted to board for approval.

SEC. 35. In all cases where real estate in the city shall hereafter be subdivided into lots and blocks, or into lots or blocks, and into streets, highways, alleys, lanes, courts or public places or public grounds, the map or plat thereof shall be submitted to the board of public works for its approval, and no such map or plat shall be recorded or have any validity until approved by said board; and such approval shall be certified to by endorsement on said map or plat, signed by the president of said board, and a copy thereof shall be placed on file in the office of said board. The grade line of all such streets, highways, lanes, alleys, courts, public places and public grounds shall be established by said board immediately after such map or plat shall be recorded as aforesaid.

Grade lines to be established by board.

Board to make rules for tapping sewers.

SEC. 36. The board of public works shall have authority to make and enforce such rules and regulations in reference to tapping and making connections with public sewers, for draining lots or premises, as it may deem for the public interests. Any person tapping or making connection with any public water main or public sewer, in violation of such rules and regulations, shall, on conviction thereof, be liable to a fine of not to exceed fifty dollars and costs, or imprisonment in any of the institutions mentioned in this title, for a period not exceeding thirty days. In case such convicted person does not pay the fine and costs as aforesaid, he may be imprisoned in any of said institutions, for a period of not more than thirty days, unless such fine and costs are sooner paid. He shall, in addi-

Penalty for violation of rules.

tion thereto be liable to the city for all damages caused by such unlawful interference.

SEC. 37. Whenever any damage shall be done by any person to any of the property under the charge and control of the board of public works, said board may cause suit to be brought against such person, in the name of the city of Grand Rapids, in any court of competent jurisdiction; and whenever any such suit shall be brought, it shall be the duty of said board to attend to the prompt prosecution thereof, and to see that any judgment obtained on account thereof shall be carried into effect. All money obtained because of any such suit, over and above the actual costs and expenditures expended therein, shall be immediately paid into the city treasurer by said board, and placed in such fund as the common council may direct. Said board shall make a detailed statement of the money received from said suit, and the costs and expenses thereof to the common council at its next regular session after the receipt of such money as aforesaid.

Suit may be brought against any person doing damage to any of the works of city.

Moneys so obtained to be paid into treasury.

SEC. 38. If any contractor shall fail to keep up sufficient fence or protection guards to prevent damage or injury to persons or property, or shall be guilty of other negligence in doing work under contract, and injury to persons or property shall occur by reason of such default or negligence, the contractor guilty of such default or negligence shall be liable to the person injured in person or property, for the damage sustained, to be recovered with costs in the proper form of action in any court of competent jurisdiction.

Contractor to be liable for certain negligence.

SEC. 39. No contract heretofore lawfully entered into by any person or persons, for doing any public work in said city, shall be affected by this title, but the work may be prosecuted thereunder. It shall be the duty of the board of public works to superintend the doing of the uncompleted work under all such contracts, estimate the work done and certify the same to the common council, and also to examine and certify as to the completion of the work under the contract; but the common council shall have the same powers in reference to such contracts whenever questions of difference arise in relation thereto, as if this title had not been passed, but in no different manner or degree.

No contract heretofore let to be affected by this title.

Board to superintend uncompleted work.

SEC. 40. It shall be the duty of said board, from time to time, to make estimates of amounts earned and payable under and contract for public works, or materials connected therewith, and report the same to the common council without unreasonable delay, and it shall be the duty of the common council to order payment of the same, from the proper fund so reported, if the said board shall so recommend.

Board to make estimates of amounts earned and payable.

SEC. 41. The board of public works shall appoint some suitable elector as clerk thereof, and shall fix his compensation at a sum not exceeding fifteen hundred dollars per annum, which compensation, when so fixed, shall be audited and paid

Board to appoint clerk and fix his compensation.

as the salaries of the city officers of said city are audited and paid; said board may also appoint a deputy clerk with power to discharge the duties of the clerk in his absence, or on account of any disability on the part of such clerk to discharge such duties and fix his compensation. Said clerk in person, or by deputy, shall attend upon the sessions of the board, keep a record of their proceedings, keep account books, and enter therein all receipts and disbursements touching public improvements under the control of the board, and all receipts and expenditures connected with water works and water rates, and discharge such other duties pertaining to such records and accounts as the board shall require. Said board shall have power to employ all necessary agents and employés, not otherwise provided for in this title and fix their compensation.

Deputy clerk to be appointed.
Duty of clerk.
Council to require each member of board to give bond.
Mayor to approve sureties.
In case member neglect or refuse to give bond.
Board may require its employés to give bond.

SEC. 42. The common council shall have power to require each of the members of the board of public works, to give bond, with good and sufficient sureties, for the faithful performance of the duties of his office, and faithfully to account for and pay over to the city treasurer all moneys which shall come into his hands as a member of said board; such bond shall run to the city of Grand Rapids, be in such penalty as the common council shall fix by resolution entered on its minutes, and be approved by the mayor. If the mayor approve the sureties he shall endorse his approval on said bond, and it shall then be filed with the city treasurer for safe keeping. If any member of said board shall neglect or fail to give such approved bond within ten days after being notified of the passage of the resolution requiring such bond and fixing the penalty, he shall be deemed to have resigned and vacated his office as a member of said board, and the vacancy so created may be filled by the mayor by appointment, as in other cases.

SEC. 43. The board of public works may require any person employed by it to give bond to the city of Grand Rapids in such penalty, and with such sureties as said board shall fix and approve, for the faithful performance of such services and duties as may be required of them by the board, and to pay over all moneys which shall come into the hands of such employé.

Board to report its appointments to council.

SEC. 44. Whenever the board of public works shall have appointed a city engineer, clerk and deputy clerk, as provided for in this title, it shall be its duty to report the name of each of the persons appointed and the date of his appointment, to the common council, within ten days after such appointment.

When board to retain control of certain street.

SEC. 45. Whenever any public street shall be improved, and the contract for such improvement shall be accompanied by a guarantee for a year or more, said board of public works shall retain control of such street until the expiration of the time of such guarantee so far as may be necessary to compel the contractor to carry out the provisions of such guarantee.

TITLE X.

BOARD OF POLICE AND FIRE COMMISSIONERS.

SECTION 1. All the powers and duties connected with and incident to the government and discipline of the police and fire departments of the city, shall be, as hereinafter provided, vested in and exercised by a board of five commissioners, to be know as "The Board of Police and Fire Commissioners of the City of Grand Rapids," a majority of whom shall constitute a quorum for the transaction of business. Such board shall be appointed as hereinafter provided.

Board of police
and fire com-
missioners.

Five members.

Quorum.

SEC. 2. The full term of each member of the board of police and fire commissioners, hereafter to be appointed, shall be for the term of five years, and until his successor is appointed and qualified. Such appointment shall be made by the mayor in accordance with the provisions of title II of this act. Whenever the term of office of any member of the present board of police and fire commissioners shall expire, his successor shall be appointed by the mayor, within twenty-one days thereafter, whose term of office shall date from the expiration of the term of office of the member whom he succeeds. Such appointment shall be made subject to and in conformity with the provisions of title II of this act. Vacancies occurring in the present board of police and fire commissioners, or in any future board, from any cause whatever, shall be filled for the unexpired term, by the mayor's appointment, in accordance with and in conformity to the provisions of title II of this act, and subject to all the provisions thereof.

Term of office.

Mayor to
appoint.

Vacancies.

SEC. 3. Said commissioners shall serve without any compensation whatsoever. No person shall be eligible to said board unless he shall then be an elector and resident of said city, nor shall any person be eligible who holds any elective or political office, or any office by virtue of the appointment of the mayor or common council of said city, and any of said commissioners shall be considered as vacating his office in the event of his accepting or holding any such office.

Members to
receive no
compensation.
Eligibility to
board.

SEC. 4. Any person appointed and accepting membership in said board, shall take the oath of office prescribed by this act, and file the same in the office of the city clerk, within the time prescribed in this act, which filing shall constitute an acceptance of the office, and said city clerk shall report such acceptance of office to the common council at its next regular meeting.

Person appoint-
ed to file oath
of office.

SEC. 5. The board shall annually elect one of its members president thereof, to act until his successor is elected, and

Board to elect
its president.

Board to appoint secretary and fix his compensation. Office and furniture to be provided.

Duty of secretary.

Board to make monthly report to council.

Board to appoint policemen.

To appoint officers.

Special policemen.

shall fill any vacancy in such office as president. It shall also annually appoint an elector of the city to be secretary of the board, and shall fix his compensation. It shall provide an office in the building used for the police court and police purposes, for its use, and for the use of its secretary, and shall hold therein such regular and special meetings as it may, from time to time provide, and shall cause full and accurate records of the same and of all business transacted by the board, to be kept by the secretary. It shall furnish such office with all the necessary furniture, record books, stationery, etc., for the use of the board. The secretary shall keep a separate account of all expenditures ordered by the board, an account of all expenditures ordered by the board on account of the police and fire departments, and of all expenses incurred by the board in managing and maintaining said department. The board shall report to the common council monthly, the condition and needs of the police and fire departments, and the expense of conducting the same for the ensuing month, together with the number of men employed in each of said departments. Said board shall also certify, from time to time, to the city comptroller all such accounts, claims and demands against the city for or on [account] accounts of said police and fire departments, as shall have been approved by the board, and the city comptroller shall report the same to the common council for payment, in all cases where the expenditure involved is included within the detailed annual estimate, in all other cases he shall report the item to the council for its action. Said board may also report to the comptroller any claim or demand the validity of which may be in doubt.

SEC. 6. Said board shall have full power to appoint a chief of police, police constables, special policemen, additional policemen, and watchmen, subject to such limitations and restrictions as to qualifications as are provided for in this act, and to fix the compensation of the same. It shall have power to appoint as many police constables and watchmen as it may deem necessary, but not exceeding three for every two thousand inhabitants of the city. It may designate one or more of the police constables to be sergeants, captains and lieutenants of police and as such to exercise control of the police force, as prescribed by the regulations of the board.

SEC. 7. It shall also appoint as many special police constables, with or without compensation, in times of special emergency, or apprehended danger from riot, or other cause of alarm, as it may deem expedient or as the common council or mayor may request. Whenever it may seem discreet to said board, it may appoint any number of special police constables to do duty at any designated place within the city, upon the application of any person or persons, showing the necessity therefor, but at the expense of such person or persons; the special police constables so appointed shall perform duty only at

the places designated by the board, and shall continue in office at the pleasure of the board, for a term not exceeding one year. All persons appointed by the board, under this section, and the preceding section, shall be citizens of the United States, and shall have been continuous residents of the city for at least three months next preceding such appointment. Qualifications.

SEC. 8. The chief of police and the police officers and police constables of said city, in addition to the powers, duties and authority possessed by them at common law, and the laws of this State in matters of a criminal nature, shall have power to arrest without process, all persons who shall, in the presence of the arresting officer, be engaged in the violation of any ordinance or regulation of the common council, or the penal provisions of this act, and such persons may be detained in custody until complaint can be made and process issue for their arrest and trial; and it shall be the duty of such officer to make such complaint and procure such process in the proper court, as speedily as possible after such arrest. Police may arrest without process.

SEC. 9. Said board of commissioners may, whenever it shall seem to them best, dismiss from the department and from service, the chief of police or any member of the police force, or any watchman, with or without charges or trial, and no such dismissed person shall be entitled to any compensation after such dismissal, and said board may, at pleasure, change any member of said police department from one grade of service to another, and they may change the amount of compensation of any member of the department at any time, and may suspend any member of the department with loss of pay for such time as they may fix. Power of dismissal, change.

SEC. 10. Said board shall have power, and it shall be its duty to make all such rules and regulations for the government and discipline of said police department as it may deem best calculated to secure thoroughness and efficiency. It shall prescribe suitable uniforms and badges for the several members of the department; shall establish proper regulations for the care and management of such police stations as may be provided by the common council for the accommodation of the police force, for the lodging of vagrants and disorderly persons, and for the temporary detention of persons arrested for offenses. It shall purchase all supplies and materials needed for the use of the department. It may adopt such system of reports from the members of the force to the chief and from the chief to the board, as it shall think desirable, and may, in its discretion, require a bond to the city from the chief or any member of the department as security for the proper performance of his duties. It shall prescribe the duties of the chief of police and of all regular and special police constables, and shall provide for the preservation of the public peace, for the prevention of crime, for the arrest of all offenders against the peace and good order of the city, and of all persons violat- Rules and regulations.
Uniform.
Supplies.
Duties of chief.

- Fires.** ing the ordinances of said city. It shall provide for the protection of the rights of all persons and property and for the preservation of order at fires and at all railroad depots and sternaboat landings, and shall cause the enforcement of ordinances of the city and laws of the State in regard to public
- Public health.** peace, public health and the enforcement of the provisions of this act and ordinances of said city relative to the restraining and regulating of the running at large of horses, cattle, swine, and other animals, geese and poultry, and to the impounding of the same under and by virtue of the provisions of this act and ordinances or regulations of the city. And it shall also cause the enforcement of all other ordinances or regulations proper to be enforced by the police of said city. And it shall be the duty of said board at all times, whenever consistent with the regulations of the board, and the requirements of this act, to furnish all information desired, and to comply with all requests made by the common council of said city or by the mayor thereof.

OF THE FIRE DEPARTMENT.

Responsibilities and powers of board.

SEC. 11. The board of police and fire commissioners shall have the keeping and the custody of all engine houses, fire engines and apparatus, horses, hose, implements, tools, bells, bell towers, fire alarm telegraph, and of all other property of whatever nature, and the complete care and control of the fire department shall be vested in said board, and it shall be its duty to maintain said department and keep the same in order; and to prescribe all rules and regulations for the government of the same, and may prescribe reasonable and legal fines and penalties for the breach of any such rules or regulations.

To appoint officers and firemen.

SEC. 12. Said board shall appoint one fire marshal, as many assistant marshals as it may deem necessary, and a proper number of firemen, hook and ladder men, fire wardens, and other employes as it may deem best, all to have the privileges and exemptions of firemen, and to hold their appointments during the pleasure of said board. And said board shall, from time to time as it may deem proper, prescribe and publish in convenient form for use, a system of rules and regulations for the government of the fire department. All persons appointed by said board under the provisions of this section, shall be citizens of the United States and continuous residents of the city of Grand Rapids for at least three months next preceding such appointment.

Rules.

Qualifications.

SEC. 13. Said board shall fix the salary of the fire marshal, and of all other persons connected with the fire department of said city, and may require the fire marshal to execute a bond to said city, conditioned as required in this act, and in such sum as it may deem best to secure the faithful performance

Salaries to be fixed by board.

of his duties. Said board shall have power to purchase all such fire engines, with their hose and apparatus, horses, hose carts, ladders, trucks, fire hooks, fire buckets, and other tools, implements and conveniences for the extinguishment of fires, and to prevent injuries by fires, as may from time to time be necessary, and repair or replace the same, and it shall have power to make all needed repairs to any of the engine houses now built in said city, but it shall not have power to purchase real estate or erect engine houses.

Purchase of materials.

Repairs.

SEC. 14. Said board shall have power to locate sites for engine houses and police stations; to organize said city into as many fire districts as it may deem necessary; to prescribe rules for the inspection of buildings by fire wardens, and prescribe the duties of fire wardens; to control the cisterns and hydrants in use by said fire department; to direct the manner in which the bells of the city shall be tolled or rung in case of fire or alarms of fire; and to establish and maintain an efficient system of fire alarm telegraph; and such other telegraphic or telephonic apparatus as may be necessary to secure the highest efficiency of the department.

General powers of board.

SEC. 15. The fire marshal, under the direction of the board, shall have the custody and general superintendence of the fire engines, engine houses, hooks, ladders, hose, horses, public cisterns, hydrants and other property and conveniences for the extinguishment and prevention of fires; and it shall be his duty to see that the same are kept in order and to see that the rules, regulations and ordinances relative to the fire department and to the prevention and extinguishment of fires are duly executed, and to make detailed and particular reports of the state of the department, the conduct of the members thereof, and such other matters as may be required by the rules and regulations, to the said board of police and fire commissioners.

Duty of fire marshal.

POLICE AND FIRE COMMISSIONERS.

SEC. 16. Said board shall prescribe the duties of the fire marshal and other members of the fire department at fires, and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires; but in no case shall any member of said board, or any officer of the city control or direct the fire marshal or assistant during any fire. It may provide for the removal and keeping away from fires of all idle, disorderly or suspicious persons, and may confer powers for that purpose on the marshals, firewardens, or other officers of the city. It shall require reports from the fire marshal or other officer in charge of the department, of all fires, fire alarms, losses and insurance on all property destroyed, and keep proper record thereof, and shall report the same monthly to

Extinguishment of fires.

Reports.

the common council of said city. And it shall be competent for said board at any time, if in their best judgment proper, to send any steam or fire engine with hose and apparatus to the relief of any community in the vicinity of said city.

**Buildings may
be raised.**

SEC. 17. Whenever any building in the city shall be on fire, it shall be lawful for any fire marshal in charge at such fire, with the consent of a member of the board of police and fire commissioners, to order such building, or any part thereof, or any other building, or any part thereof, not on fire, but which they may deem hazardous and likely to communicate fire to other buildings, to be pulled down and destroyed. In such case no action shall be maintained against any person, or the city therefor. Any person pecuniarily interested in any such building destroyed, in whole or in part, may, within three months thereafter, apply to the common council to assess and pay the damages which he has thereby sustained.

**Application for
damages, how
made.**

SEC. 18. Such application shall be in writing, signed and sworn to by such person, and shall contain a statement of the amount claimed. Such application shall be filed in the office of the city clerk, who shall endorse on the back thereof, the date of the receipt and filing of the same. After the expiration of said three months, the common council shall either pay the person such sum as the common council and the person shall have agreed upon for such damages; or if no such agreement shall have been effected, the common council shall proceed to ascertain the amount of such damages, and shall provide for the appraisement, assessment, collection and payment of the same, as is provided for in this act for the ascertainment, assessment, collection and payment of damages sustained by the taking of real estate for purposes of public improvements.

How paid.

Duty of jury.

SEC. 19. The jury appointed to appraise and assess the damages incurred by the person whose building is destroyed in whole or in part, as provided for in the two preceding sections, shall take into account the probability of the same having been destroyed or injured by fire, if it had not been so pulled down and destroyed, and may report that no damages should equitably be allowed to such person. Whenever a report shall be made and finally confirmed, in the proceedings for appraising and assessing the damages, a compliance with the terms thereof, by the common council, shall be deemed a full satisfaction of all damages of such person.

**To enforce
ordinances
and rules.**

SEC. 20. Said board shall see that all ordinances and regulations of the common council, and all provisions of this act relating to the fire department and to the prevention and extinguishment of fires, and all the provisions of the general laws of the State relating thereto, are faithfully enforced, and it may, at all times, call upon and direct the police force to enforce the same.

. SEC. 21. It shall be the duty of said board to prepare and submit to the common council for its ratification or amendment, on or before the first day in May of each year, estimates of the whole expense of maintaining the police and fire departments of the city for the ensuing year, from the first day of July, in accordance with the provisions of this title. Such estimates shall be separate for the two departments, and shall specify in detail the objects of the expenditures, the sum desired for each, and any special reasons the board may have for desiring the same. The amount of money for each department which the common council shall determine by resolution to be necessary, shall be certified by the city clerk to the city comptroller, with the other amounts determined to be raised by tax for city, highway, sewer and other purposes in accordance with the provisions of this act.

Estimates.

To be separate.

SEC. 22. Said board shall not incur any indebtedness, nor enter into any contract requiring the payment of money, unless such indebtedness or such contract is provided for in the said detailed annual estimate provided for in the preceding section, unless specially authorized so to do by a majority of all the aldermen elect of the common council. Said board shall have power to allow compensation to members of the police and fire departments for lost time occasioned by injuries incurred while in the discharge of duties: *Provided*, That such compensation shall not exceed two-thirds of the regular pay of such disabled member and such compensation shall not continue beyond sixty days.

Indebtedness not to be incurred.

Compensation for lost time.

Provided.

SEC. 23. The common council may, upon the recommendation of said board, provide suitable compensation for any injury that any fireman, hook-and-ladder-man, or tub and hose-man may receive in his person or property, in consequence of his [exertions] exertion at any fire.

Compensation for injuries.

SEC. 24. Any person who has been a member of the police or fire departments of the city of Grand Rapids, so that his combined services in either of said departments shall have been for a period of twenty years subsequent to June first, in the year of our Lord, eighteen hundred seventy-five; or, who has been employed by the board of police and fire commissioners of the city of Grand Rapids for a period of twenty years subsequent to the first day of June in the year of our Lord, eighteen hundred and seventy-five, may be placed on the list of retired policemen and firemen, on account of disability arising from injuries received or sickness occasioned by exposure while in the active discharge of his duties, by a vote of four-fifths of said commissioners: *Provided*, That it shall require a certificate of said disability signed by the city physician and two other physicians and surgeons selected by the common council of said city. Any person in the employment of said commissioners who may hereafter be totally disabled from further duty while in the discharge of his duty as such

Retired officers.

Certificate of disability

Limit of amount. policeman and such fireman may, in like manner, be placed on the list of retired policemen and firemen; and all such retired policemen and firemen shall receive annually thereafter a sum equal to one-half of the sum paid to full-paid firemen and policemen, filling a like position at the time of their retirement, to be paid in twelve monthly payments during the remainder of their natural lives, such moneys to be collected and paid in the manner hereinafter provided: *Provided, however,* That no person so retired shall receive more than four hundred and fifty dollars per annum: *And provided further,* That said board of police and fire commissioners may place on the list of such persons, any person who became totally disabled while in the employ of said commissioners prior to the passage of this act.

Family may be pensioned. SEC. 25. In case any person in the employ of the board of police and fire commissioners of the city of Grand Rapids shall be killed while in the discharge of his duty, or shall receive injuries which shall result in his death within one year thereafter, the wife or children, or if there be no wife or children, the dependent parent or parents of such person shall, by a vote of four-fifths of the said board of police and fire commissioners, be paid a pension for a period of five years; the wife shall receive the sum of one hundred dollars annually, in twelve monthly installments of eight and thirty-three and one-third hundredths dollars each, and during the term of five years or until she remarries or dies, in which case all payment of moneys under this act to such widow shall cease, but shall be paid to such children as shall be under the age of sixteen years at the time of the re-marriage or death of the widow, the money to be equally divided among such children; such child or children shall receive in equal payments according to the number of such children, the same amount as would have been paid the widow; such payments to be paid monthly, as hereinafter provided, and continue until such child or children shall have attained the age of sixteen years, unless they die before reaching that age, but not for a longer period than five years, or if there shall be no widow or children, then the dependent parent or parents may receive the same benefits as is provided in this title for the widow. The moneys for the payment of such pensions shall be collected and paid in the manner hereinafter provided.

Duty of comptroller. SEC. 26. Whenever any person is placed on the retired list, as provided in this title, it shall be the duty of the board of police and fire commissioners of said city, to promptly report its action to the comptroller of the city, giving the names of the persons retired, together with a full statement of facts connected with the retirement of such person or persons. It shall be the duty of the comptroller to register the name of such person as being a retired policeman or fireman of the police or fire department of the city of Grand Rapids, as the

case may be and, as hereinafter provided, pay them the moneys due them under this title.

SEC. 27. There shall be kept in the office of the police and fire commissioners, by the secretary of the board, a book to be known as the "List of Retired Policemen and Firemen."

Record of
retired em-
ployés.

This book shall give a full and complete history and record of the action of the said board of police and fire commissioners in retiring any and all persons under this title, such record to give the names, date of joining the department, date of retirement, and the reason therefor of any and all persons retired.

When the widow or children, or parent or parents or either of them shall be entitled to a pension, as herein provided, such widow or children or parent or parents shall make application for a pension of the board of police and fire commissioners, through the secretary of such board, on a form to be provided by such board. Accompanying such application shall be the proof of the marriage of the deceased with the widow claimant, such proof to be established by the marriage certificate or other competent evidence of the marriage relation. Proof of the birth of the children shall be shown by the certificate of the attending physician, or by other competent proof, or in the case of the parent or parents satisfactory proof of the parentage shall be shown. All applications and proofs shall be retained in the custody of the board of police and fire commissioners, and whenever such applications for pensions are allowed by the board, due notice of such action, with the names of all the pensioners shall be given to the comptroller of the city of Grand Rapids, who shall cause such person to be registered in his office as pensioners of the police and fire departments of the city of Grand Rapids.

Application of
widow.

SEC. 28. On or before the last Saturday in June, in each and every year, the comptroller shall submit to the common council his estimate of the amount of money necessary to pay such retired policemen and firemen and pensioners as shall be entitled to moneys under this title, for the following fiscal year, and the common council shall appropriate and cause to be levied and collected by taxation such sum of money as shall be required to make the payments provided for by this title; it is further provided, that in his second and all subsequent estimates the comptroller shall include a sum equal to the amount of unpaid taxes charged back to the fund provided by this title at the end of the preceding fiscal year. All moneys collected under this title shall be placed to the credit of the "police and fire department retired and pension fund," and if at any time the cash balance shall not be sufficient to pay matured claims, the common council is authorized to transfer from the contingent fund of said city such further sum as shall be necessary: *Provided*, That such amount so transferred shall not exceed the amount of the uncollected appropriation.

Pension esti-
mates to be
submitted to
council.

Funds may be
transferred.

Proviso.

Pensions,
when and how
payable.

SEC. 29. The board of police and fire commissioners, at the last meeting in each month shall order the payment of moneys due all persons under this title, and a voucher shall be prepared for the payment of each person so entitled to moneys, the correctness of the same to be duly certified to by the chairman of the finance committee of said board of police and fire commissioners, and the fact of the allowance of the claim duly attested by the president of said board. The secretary of said board shall transmit such vouchers to the comptroller of said city, and it shall thereupon become the duty of such comptroller to include the same in his next report to the common council in the same manner as other claims and accounts against said city are by said comptroller audited and reported to said common council, the same to be paid from and charged to the said "police and fire department retired and pension fund."

Pensioners to
be sworn
monthly.

SEC. 30. Before issuing any voucher for the payment of a pension, it shall be the duty of the secretary of the board of police and fire commissioners to examine under oath all pensioners, with a view to ascertaining if they are at that time entitled to a pension as provided for in this title, and whenever the said secretary shall learn any person has ceased to be entitled to a pension as herein provided for, he shall record the fact on the roll of pensioners, and promptly notify the comptroller of such disability, and such person shall thereupon be dropped from the said rolls: *Provided*, That the said board of commissioners may, by a vote of four-fifths of the members, discontinue the pension and strike from the list the name of any retired policemen or firemen, or parent or parents, and after such action by said board has been taken, said pension shall cease to be audited by the comptroller.

Board may
discontinue
payments.

When pay-
ments to com-
mence.

SEC. 31. When any claims for pensions are allowed, after the last Saturday in June, in each and every year, there shall be no payments made for pensions so allowed after said date, until after the beginning of the next ensuing fiscal year: *Provided, however*, That the first payment so made shall be for the period intervening between the date of allowance of such pension and the date of making such first payment: *Provided, further*, That nothing in this title shall in any way make the State of Michigan liable for the payment of any moneys herein provided for.

Proviso.

State not to be
made liable.

TITLE XI.

BOARD OF CEMETERY COMMISSIONERS.

May purchase
real estate.

SECTION 1. The common council of the city of Grand Rapids shall have power to purchase and hold real estate for cemetery purposes, either within or without the city limits, and shall designate appropriate names for such cemeteries.

SEC. 2. The metes and boundaries of such real estate and any additions thereto shall be attested by the signatures of the mayor and city clerk and recorded in the office of the register of deeds for Kent county, and be forever dedicated to cemetery purposes. To be recorded.

SEC. 3. All such real estate together with all those previous to the passage of this act, owned by the city of Grand Rapids, and dedicated to cemetery uses, together with all properties, buildings and improvements of every kind connected therewith, shall be under the exclusive control of three commissioners, who shall constitute a board of commissioners, and to be known as "The Cemetery Commissioners of the City of Grand Rapids," who shall be appointed in the manner as follows: Board of commissioners.

SEC. 4. There shall be three persons appointed as hereinafter provided, who shall be known as "The Board of Cemetery Commissioners," each of whom shall be electors of said city and actual residents therein, and who shall hold his office for the term of three years, and until his successor is appointed and qualified, except as hereinafter provided, and whose powers and duties shall be as hereinafter provided. The members of such board shall devote all the time necessary to a proper discharge of the duties of their office, and they shall receive such compensation as the common council shall direct, not to exceed one hundred dollars per annum. The member of such board whose term of office will soonest expire shall be the president thereof. Qualifications.
Term of office.
Compensation.

SEC. 5. Whenever the term of office for which any member of the present board of cemetery commissioners was appointed shall expire, a member thereof shall be appointed in his place, for the term hereinbefore provided, which appointment shall be made in conformity to and under the provisions of Title II of this act in relation to appointments made solely by the mayor, which shall also cover all appointments to fill vacancies in such board; and such member so appointed shall act in conjunction with the remaining member or members of the present board, as hereinbefore constituted such board of cemetery commissioners, in discharging all the duties of such board herein provided for. After the expiration of the term of office of the last remaining member of the present board, the members of such board of cemetery commissioners, herein provided for, shall continue to be appointed as above provided, and for the time hereinbefore set forth. When and how appointed.

SEC. 6. "The Board of Cemetery Commissioners of the city of Grand Rapids" shall have exclusive care, custody and management of all property upon the cemetery grounds, and shall employ superintendents and such sextons and laborers as it may deem proper, and may regulate their compensation and services, subject to the provisions of this act. To employ officers.

General duties
of board.

SEC. 7. Said board shall cause suitable surveys and maps to be made and perfected, of all the grounds, roadways, walks, lots and reservations belonging to, or included in, such cemeteries. Said board shall regulate the sales and prices of lots, and interments therein, and shall make such improvements and regulations for the use and protection of such cemeteries, and may adopt such rules and regulations in relation to the care of lots, or parts of lots therein, as it may deem proper, and no interments on any lot, or part of lots, shall be permitted while there is any unpaid account due for work done thereon, provided such account was incurred on the order of any person competent to give the same, but in no case shall it charge a fee for visitors.

May accept
bequests, etc.,
for what pur-
pose.

SEC. 8. Said board is hereby authorized to accept from any person or persons, by the terms of any deed, will or otherwise, any gift, devise or bequest in trust for the use and purpose of keeping in good order and repair the family burial lot, monuments, vaults, tombs, graves and lot improvements, as well as for the planting of flowers, trees or shrubbery and of general decoration with flowers of any such lots or graves of such grantors or devisors, in any of the cemeteries under the charge and control of such board; and also to accept from any person or persons in the manner aforesaid, any gift, devise or bequest in trust for the uses and purposes of keeping in good order and repair all the burial lots, monuments, vaults, tombs, graves and lot improvements, or any particular or portion thereof, as well as for the planting of flowers, trees or shrubbery, and of general decoration with flowers of any such lots or graves, or any particular part or portion thereof, in any such cemeteries. But such authority shall not extend to any other uses or purposes whatsoever: *Provided*, That if the value of such trust property shall be the sum of one hundred dollars, or more, said board shall not accept or discharge such trust until it has first applied to the Superior Court of Grand Rapids in Chancery, for an order confirming such trust, if such trust property shall be situated within the corporate limits of the city and obtained such order; or if such trust property shall be situated within the county of Kent, but not within the said corporate limits, such application shall be made to and such order, if granted, shall be granted by the Circuit Court for the County of Kent in Chancery; and thereupon such trust shall be executed by said board or a majority thereof, under the direction of the court granting such order, and in accordance with the terms thereof. All the court expenses incident to the obtaining of such order shall be paid out of said trust fund.

Conditions of
acceptance.

Repair fund.

SEC. 9. Said board shall cause a fund to be provided for each of the cemeteries under its charge, from the receipts derived from the cemetery to, which such fund shall be credited, otherwise than those arising from taxation as here-

inafter provided, by appropriating annually not less than ten per cent of the gross receipts from such cemetery as aforesaid, which shall constitute a repair fund for such cemetery, but such fund shall not exceed, in any instance, the sum of fifty thousand dollars. Said board shall invest said moneys in valid security or securities, worth not less than par value, and the interest thereof shall be applied solely to the repairing of roadways, water appliances, walks, hillsides, drains, monuments, abandoned lots and public grounds connected with such cemeteries, and buildings within such cemetery bounds. Such repair fund shall never, under any pretext or evasion, be diverted from the above declared purpose, and shall be used as above directed, except as hereinafter set forth, but no greater sum shall be annually used than the interest on such invested moneys, except as herein expressly provided.

SEC. 10. Whenever the gross receipts of any one cemetery, as above provided, shall exceed the said sum of fifty thousand dollars, said board shall take such excess and put it into the fund of one of the other cemeteries, or divide it between the funds of the other cemeteries in such proportion as it may deem best, but no fund shall exceed the above provided limit. The said board may, in its discretion, save the annual interest on any such fund from year to year, and use the accumulated interest in repairs as above provided, if, in its judgment, such accumulated interest can be more beneficially laid out in repairs than the annual interest could be so laid out.

Receipts may
be divided,
when.

SEC. 11. It shall be lawful for the common council, for the purpose of providing said board with funds for permanent buildings and special improvements, which may be at any time needed upon said cemeteries, to advance the required funds to the board from the general moneys of the city, not otherwise appropriated, or to borrow the same for such purpose, in either case not to exceed the sum of ten thousand dollars, until funds can be collected by the board from the sale of lots. It shall be the duty of the said board, whenever any moneys shall be advanced by the city, as aforesaid, to deposit quarterly with the city treasurer, twenty-five per cent of the gross receipts from the sale of lots, as a sinking fund for the repayment of the funds so advanced.

Council may
loan money
to board.

How loan
repaid.

SEC. 12. The said board shall pay to the city treasurer all moneys received from the sale of lots and other sources, including all penalties collected for violations of any ordinance or regulation adopted by the common council relating to cemeteries, and the city treasurer shall receive such moneys and place the same in the proper fund. All expenses incurred by the board shall be passed upon by it and certified to by a majority thereof and filed with the city comptroller, and shall take the same course as other claims against the city, in accordance with the provisions of this act.

Moneys to be
paid to city
treasurer.

Expenses, how
paid.

Deeds to lots. SEC. 13. All deeds and conveyances of cemetery lots shall be executed by the mayor and city clerk and countersigned by the city comptroller, and recorded in the office of the city clerk: *Provided*, That no deed or conveyance of any such lot shall be delivered to any person until the receipt for the purchase price thereof, signed by the superintendent of the cemetery wherein such lot is situated, and countersigned by at least one member of said board, is shown to said officers executing the deed or conveyance of the same.

To report to council, when. SEC. 14. Such board shall on the first Monday in August after the passage of this act, and on the first Monday of every third month thereafter, render to the common council an itemized report of its receipts and expenditures, and also of all the matters committed to its charge, including the status of each of the funds hereinbefore provided for.

Police powers in cemeteries. SEC. 15. The city of Grand Rapids shall have police jurisdiction for the enforcement of all legal provisions of this act, or the general statutes of the State, or the rules and regulations of said board, within the boundaries of the cemeteries, and to that end the common council may adopt ordinances and regulations in relation to such enforcement, and may provide for the imposition of penalties or imprisonment, or both, for any violation thereof.

Exempt from taxation and execution. SEC. 16. The cemetery properties of the city of Grand Rapids, and all lots and plats therein which have been, or shall hereafter be conveyed by said city, as places of burial of the dead, shall forever be exempted from general taxation, and from special assessments for local improvements, and shall not be liable to be sold on execution or to be applied to the payment of debts, by any assignment under any insolvent law, or by any compulsory process of law.

Burial of the poor. SEC. 17. Said board shall assign and set apart suitable plats of ground for the burial of the poor, and shall creditably care for and beautify the same, and shall cause interments to be made therein, to be paid for out of the poor fund of the city. It shall provide a plat of ground and care for the same, wherein single interment permits shall be sold at a purchase price not to exceed ten dollars.

TITLE XII.

MISCELLANEOUS PROVISIONS.

Powers of city in regard to real estate.

SECTION 1. Whenever any owner of real estate, within the corporate limits of the city of Grand Rapids, neglects or refuses to comply with any provisions of the statutes of this State; or any of the provisions of this act; or of any ordinance or regulation passed by the common council in pursuance of the provisions of this act, affecting such real estate,

or any appurtenance thereto, the city of Grand Rapids because of such neglect or refusal, may, in his stead, comply with any such provisions, and any legal expense which the city shall have thereby necessarily incurred, shall be a personal charge against the owner of said real estate and appurtenance, and may be collected of him in the name of the city of Grand Rapids, in an action of debt or assumpsit, in any court having jurisdiction thereof. Such expense shall also be a lien upon said real estate, and all appurtenances thereto until paid; and such lien may be enforced under, and in accordance with, the provisions of sections nineteen, twenty and twenty-one of Title V of this act, in relation to the construction and repair of sidewalks by the city of Grand Rapids.

SEC. 2. The seal of the city of Grand Rapids, now in use City seal. shall continue to be the seal of said city until another shall be devised and adopted by the common council of said city.

SEC. 3. Whenever there shall be found in the treasury of said city any sum of money not otherwise appropriated, or whenever any fund of said city shall contain a balance, after all legal demands against it have been satisfied, the same shall be transferred by the city treasurer to the general fund under the direction of the common council. Balances to be transferred to general fund.

SEC. 4. The common council shall be the judge of the election and qualification of its own members, and to decide upon and determine contested elections of members thereof; to compel the attendance of absent members; to determine the rules of its proceedings, and to pass all by-laws and rules necessary and convenient for the transaction of business, not inconsistent with the provisions of this act. Powers of council with regard to members.

SEC. 5. All the officers of said city, elected or appointed under and by virtue of this act, shall file in the city clerk's office an official bond except the members constituting the board of health, the board of police and fire commissioners and the board of public works, in such penal sum and with such sureties as the common council shall approve, except as the same shall be otherwise expressly provided in this act. Such official bond shall be conditioned (without the condition thereof shall be in this act or the statutes of the State otherwise expressly provided) that such officer will faithfully perform the duties of his office, and will, on demand, deliver over to his successor in office, or other proper officer or agent of the city, all books, papers, moneys, effects and property belonging to the city, or appertaining to said office, which may be in his custody as such officer; and such bond may contain any further condition which the common council shall prescribe. The official bond of every officer whose duty it may be to receive or to pay out money, besides containing the conditions hereinbefore required, shall contain a further condition that he will, on demand, pay over all moneys received by him, and belonging to the city, to the city treasurer, or account to the city treasurer for the same. Bonds of officers.

Justification of
bondsmen and
sureties.

SEC. 6. The common council, or the mayor or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer of whom a bond or instrument in writing may be required under the provisions of this act, shall examine into the sufficiency of such sureties, and may require them to submit to an examination under oath as to their property; such oath may be administered by the mayor, or any alderman of said city. The deposition of the surety shall be reduced to writing, be signed by him, certified by the person taking the same, and annexed to and filed with the bond or instrument in writing to which it relates.

Power to
administer
oath.

SEC. 7. The mayor, or chairman of any general or special committee of the common council, shall have power to administer an oath or affirmation to a person testifying in respect to any matter pending before the common council, or before any such committee; and shall also have power to administer the requisite oath or affirmation to a person subscribing an affidavit in respect to any such matter.

False swearing
deemed per-
jury.

SEC. 8. Any person who may be required to take any oath or affirmation, under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit, or otherwise, wilfully swear falsely as to any material fact or matter, shall be guilty of perjury, and liable to the punishment thereof.

Division of
moneys
into funds.
General.

SEC. 9. The revenues and moneys of the corporation shall be divided into the following funds, viz.:

Contingent.

First, General fund, which shall be devoted to the payment of the expenses of the city, for the payment of which, out of some other fund, no provision is herein made;

Sinking.

Second, Contingent fund, to defray the contingent expenses of said city;

Fire depart-
ment.

Third, Sinking fund, to pay the funded debt, and interest thereon, of said city;

Poor.

Fourth, Fire department fund, to defray the expenses of purchasing lots, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of said city;

Highway.

Fifth, Poor fund, to defray the expenses of providing for, and taking care of the poor of said city;

Sewer.

Sixth, Highway fund, to defray the expenses of keeping in repair the streets, highways, lanes, alleys, pavements and crosswalks of said city;

Public
building.

Seventh, Sewer fund, to defray the expenses of cleaning and keeping in repair the sewers of said city;

Eighth, The public building fund, for the purchasing of any real estate, for the erection thereof of any public buildings, and to defray the expenses of erecting, repairing and preserving such public buildings as the common council is authorized to erect and maintain, and are not herein otherwise provided for;

Ninth, Superior court fund, to maintain the superior court; Superior court.

Tenth, Such other funds as the common council may constitute for special purposes, not inconsistent with, nor to be taken from any of the funds above constituted or raised; and said common council is expressly prohibited from transferring any money whatever from any of the funds above constituted or raised, to any special fund, except for the purposes as in this charter expressly stated. Transfer of funds prohibited.

SEC. 10. The common council shall have power to annually assess, levy and collect taxes upon [the] real estate and personal property situate within the corporate limits of the city, not exempt from taxation, and also upon the personal property of residents of the city not exempt from taxation, for the purposes for which the foregoing funds are constituted, but such taxation shall not exceed the rate per cent specified in this act, on such real [estate] estates and personal property: *Provided*, That the limitation in this section shall not apply to the raising of any sum of money necessary to be raised by taxation upon such real estate and personal property for the purpose of paying the principal of any bonded indebtedness of said city, arising from a loan for a term of a year or years, or the interest thereon, or both, according to the terms of such indebtedness. Taxation. Proviso as to indebtedness.

SEC. 11. For the purpose of purchasing sites for and constructing a city almshouse, city hall, city market, or any other public building, or for constructing or rebuilding bridges across Grand river, within the corporate limits of the city of Grand Rapids, the common council may borrow, on the faith of the city, such sums of money for any such purposes aforesaid, as the common council may deem expedient, for a term not exceeding twenty years, and at a rate of interest not exceeding six per cent [per] annum; and for such purpose it may issue the bonds of the city, signed by the mayor and countersigned by the city comptroller, and in such form and sums as the common council may direct. Such bonds shall be disposed of under the direction of the common council of the city, upon such terms as it may deem advisable, but not for less than the par value thereof, and the avails thereof shall be used for the purposes for which the same were executed, and for no other purpose. May borrow money for certain purposes.

SEC. 12. Nothing in the preceding section contained shall be so construed as to authorize the incurring of any such bonded indebtedness against the city, except as otherwise expressly provided for in this act, unless the qualified electors of the city, voting in their respective wards upon the question of bonding the city for any such purpose, at any regular election, or at a special election called for the purpose of voting upon such questions, shall have authorized the incurring of such bonded indebtedness by a majority of their votes cast on such questions: *Provided*, That such bonds as are expressly authorized by sections thirty-one and twenty-nine of title III Question of bonding to be submitted to voters. Certain indebtedness excepted.

and section two of title V of this act, and such bonds as may be required for the rebuilding or replacing any bridge across Grand river, within the corporate limits of said city, shall not be submitted to such electors as aforesaid. But it is hereby expressly provided that such bonds as may be required for the rebuilding or repairing of any bridge across Grand river shall not exceed the sum of twenty-five thousand dollars at any time.

Criminal ex-
penses to be
paid by county.

SEC. 13. The expenses of apprehending, examining and committing offenders against laws of this State, in said city, and of their confinement, shall be audited and paid by the supervisors of the county of Kent, in the same manner as if such expenses had been incurred in any town of the said county.

Title of suits.

SEC. 14. All suits which shall be commenced to recover any fine, penalty or forfeiture for the violation of any by-law, ordinance or regulation of the common council, or of any of the provisions of this act, shall be brought in the name of the city of Grand Rapids, in any court having jurisdiction thereof.

Citizens not
disqualified as
jurors.

No person who is an inhabitant of the city, and having the other requisite qualifications therefor, and not specially exempt therefrom, shall be disqualified because of such inhabitancy from acting as a judge, justice or juror in the trial or other proceedings, in any suit brought to recover any such fine, forfeiture or penalty, nor from serving any process, or summoning a jury in such suit, nor from acting in any capacity in any proceeding before or during the trial thereof, or in any proceeding after judgment therein, taken to carry such judgment into effect; nor shall any person because of such inhabitancy, be disqualified from being a witness on the trial of any issue, or upon the taking of any inquisition or assessment, or any investigation of facts to which issue, inquest or investigation in any suit as aforesaid, the city, or any city or ward officer, was a party, or in which the city or such officer is interested.

Of trial of
suits.

SEC. 15. In suits commenced before any justice of the peace, or in any other court, for the recovery of any fine, penalty or forfeiture, for the violation of any provisions of the statutes of this state, or any provisions of this act, or of any by-law, ordinance or regulation of the common council, it shall not be necessary to file any declaration therein or to recite, or to name any plea, in any writ or process, but the plea of the defendant shall be the same as in criminal cases, and shall be to the complaint filed in such suit. If, upon the trial of any such suit, the defendant is acquitted, the judgment entered shall show that fact, and if convicted it shall show the judgment for the fine, penalty or forfeiture for which suit was brought, and costs therein, and the term of imprisonment, if any, in case of the non-payment thereof.

Judgment.

SEC. 16. All of the provisions of the two preceding sections in relation to the disqualification of any person because of his inhabitaney of the city, shall apply to all suits of whatever nature, civil or criminal, brought in the name of the city of Grand Rapids, or on its account, or in its behalf. Relative to disqualification.

SEC. 17. Every execution for any fine, penalty or forfeiture, recovered for the violation of any of the provisions of the statutes of this State, or of the provisions of this act, or for the violation of any by-law, ordinance or regulation of the common council, may be issued immediately on the rendition of the judgment, and shall command the amount thereof, to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the Kent county jail, or any city jail, house of correction, penitentiary, or work-house in the city, or in any State house of correction or the Detroit House of Correction, for such time as shall have been fixed therein by the court from which such execution issued. It shall be lawful for the officer receiving such execution to take the body of such defendant therein, unless such defendant shall point out or deliver to such officer sufficient goods and chattels, belonging to said defendant, liable to execution, and free from all encumbrances and levies, to satisfy the same. The keeper of said Kent county jail, or any city jail, house of correction, penitentiary or work-house in said city, or any State house of correction or the Detroit House of Correction, shall receive the said defendant and keep him safely therein during the time mentioned in said writ, unless he shall sooner pay the amount specified in such execution, and the costs of his detention. When execution may issue.

SEC. 18. The common council may direct any moneys that may have been recovered for penalties and forfeitures to be applied to the payment of any expense that may have been incurred in apprehending offenders, or in subpoenaing or defraying the expenses of witnesses in any suit for such penalties or forfeitures, or in conducting such suits. When no property found, body may be taken.

SEC. 19. All the following persons found within the corporate limits of the city shall be deemed vagrants, viz: All persons who are habitual drunkards and fail to support their families, and all persons who shall abandon, neglect or refuse to aid in the support of their families, and who are complained of by their families, or by the board of poor commissioners of the city; all persons engaged in begging; all persons wandering abroad, lodging in watch houses, market places, out houses, sheds, stables, barns, uninhabited dwellings or in cars, or in any other like building, or in the open air; all disturbers of the peace; all keepers of houses of ill-fame, resorted to for the purposes of prostitution and lewdness; all persons who shall be dwellers in, frequenters of, or harbored in such houses for illegal purposes; all persons who shall induce or solicit others to visit such houses for illegal purposes, and all persons who Moneys from fines, may be applied, how.

Who deemed vagrants.

Sentence.	shall receive any benefit from the illegal acts of any inmate of any such houses. Any person upon conviction of such vagrancy as aforesaid, in the police court of the city, or in any other court having competent jurisdiction thereof, shall be sentenced to confinement in the Kent county jail, or in any city jail, work-house, house of correction or city penitentiary, or in any State house of correction, or the Detroit House of Correction, for a term not exceeding three months.
Who declared disorderly persons.	SEC. 20. All persons who shall actually abandon their wives or children in the city, or who may neglect to provide for them according to their means, are hereby declared to be disorderly persons, within the meaning of chapter thirty-nine of title IX of the revised statutes of this State, of eighteen hundred and forty-six, being chapter fifty-one of Howell's Annotated Statutes of this State, and may be proceeded against as such, in the manner directed by said title, as near as may be, not inconsistent with the provisions of this act. It shall be the duty of the magistrate before whom such person may be brought for examination, to judge and determine from the facts and circumstances of the case, whether the conduct of such person amounts to such abandonment, or neglect to provide for his wife or children: <i>Provided</i> , That nothing in such chapter and title, nor in this section contained, shall be so construed as to preclude such person from a trial by jury, if he shall demand the same.
Trial by jury.	
Execution not to issue against city.	SEC. 21. No execution shall issue against the city for any judgment or costs recovered against it, but the common council shall allow and pay the amount of any final judgment or costs which may be recovered against the city, in the same manner as accounts are audited and paid by the city.
When double costs allowed.	SEC. 22. If any suit shall be commenced against any person elected or appointed, under the provisions of this act, to any office, for anything done, or omitted to be done while acting as an officer under and by virtue of such election or appointment, or against any person on account of anything done or omitted to be done, by such person while acting under the order of such officer, and final judgment shall be rendered in such suit, and defendant therein entitled to costs by such judgment, such costs shall be double the costs defined by law in such cases: <i>Provided</i> , That the provisions of this section shall not apply where the city shall be the plaintiff in any such suit.
Proviso.	
Process against city.	SEC. 23. All process issued against said city shall run against said city in the corporate name thereof, and such process shall be served by leaving a true and attested copy of such process with the mayor or clerk of said city at least ten days before the day of appearance mentioned therein.
When search warrant to issue.	SEC. 24. The judge of the police court of Grand Rapids may, upon complaint made upon oath, issue a search warrant, when satisfied that there is reasonable cause, in the following cases, to-wit:

First, To search for and seize, anywhere within the limits of said city, lottery tickets or materials for a lottery, unlawfully made, provided or procured for the purpose of drawing a lottery; Lotteries.

Second, To search for and seize, anywhere within the limits of said city, any gaming apparatus, or implements used or kept and provided to be used in unlawful gaming, in any gaming house, or in any building, apartment, or place resorted to for the purpose of unlawful gaming. If there be positive proof that any such property as is described above, is concealed in any particular house or place, within said city, the warrant may authorize the searching of said house or place in the night time. When any officer in the execution of any search-warrant in this section provided for, shall find any such property as above described, all the property and things so seized shall be safely kept by the direction of the said court, so long as may be necessary for the purpose of being produced or used as evidence on any trial. Said court shall have power, after at least ten days' written notice personally served on the owner or claimant of any such property so seized by virtue of any such search-warrant, to show cause why the same should not be destroyed, and after due opportunity has been afforded to such owner or claimant to show cause before said court why the same should not be destroyed, to order the property so seized to be destroyed. Any such owner or claimant shall have the right to appeal from such order of said police court of Grand Rapids, ordering the destruction of such property, to the circuit court for the county of Kent, and in the same manner and within the same time as is provided for appeals from justices of the peace in civil cases: *Provided, however*, That said appellant or appellants shall not be required to prepay any costs on the taking of such appeal. Gaming apparatus.

Duty of officer.

Property may be destroyed.

Owner may appeal.

Proviso as to costs.

SEC. 25. All papers, books or other records of any matter required by the general statutes of this state, or by any of the provisions of this act, or by the provisions of any by-law, ordinance, resolution, or regulation of the common council, to be kept in any of the several departments of the municipal government of the city, shall be deemed public records of such departments, and the same, or duly certified copies thereof, shall be *prima facie* evidence of their contents in all suits at law or in equity, or in any other proceedings where evidence of their contents are required. What deemed public records.

SEC. 26. All fees, costs, charges or income of whatever nature collected by any officer, agent or employé of the city, by virtue of his office or employment, shall be deemed to belong to the city, if not otherwise expressly provided, and shall be paid into the city treasury without delay, and placed in the general fund thereof: *Provided*, No other fund shall be specified in which the same shall be placed. Fees and costs to be placed in general fund.

Proviso.

Corporation
employees not
to be officers
of city.

SEC. 27. No person shall be appointed or employed in any capacity by the city of Grand Rapids, who has interests in any corporation, company, association or other body, which operate under a special franchise granted by said city, which are or may be subject to any special legislation or regulation by said city on account of being such corporation, company, association or other body, and which interests may be affected by his manner of discharging the duties of such appointment or employment, otherwise than the general public interests are thereby affected.

Orders on
treasury to
specify object.

SEC. 28. No money shall be drawn from the city treasury, unless it shall have been previously appropriated to the purpose for which it shall be drawn; and all ordinances, resolutions and orders directing the payment of money, shall specify the object and purposes of such payment, which shall be certified by the clerk and countersigned by the comptroller, before the same shall be paid by the treasurer.

Bond in suits
not required
from city.

SEC. 29. Whenever the city of Grand Rapids shall take any proceeding wherein, by the statutes of the State, a bond is required to be given, or shall be a party to any suit or proceeding in any court, or an appellant from any judgment or final order of a court wherein, by the statutes of the State, or the rules and practice of the court where such suit or proceeding is to be commenced or is pending, or shall be sought to be taken, a bond is required to be given, such statutes or such rules and practice of the court, shall not apply to the said city, but such proceedings may be taken or such proceeding or suit brought in any court, or appeal be taken from such final judgment or order, by said city without such bond being entered into by it.

Detective to be
detailed to aid
city attorney.

SEC. 30. It shall be the duty of the superintendent of the police of the city of Grand Rapids, on the request of the city attorney, to detail one or more detectives for services required in connection with the legal department of the said city.

Acquired
rights, actions,
assessments,
etc., pre-
served.

SEC. 31. Nothing in this act contained shall be construed to destroy, impair or in any manner take away any vested right, right of action or remedy acquired or given by any of the provisions of the charter of the city, hereby repealed, but the same shall be and remain as valid in every particular, as if said charter had remained in full force and effect and this act had not been passed; and all causes of action arising under any such provisions are hereby expressly preserved intact. All proceedings, assessments, suits or prosecutions of whatever nature, civil or criminal, commenced under any of the provisions of such charter, shall be carried on and completed the same as if such charter was still in force and effect. All proceedings, assessments or suits of whatever nature to be commenced on account of any right or remedy arising under any of the provisions of such charter; and all prosecutions for any offense committed, or penalty or forfeiture incurred while such charter was in effect, may be commenced and enforced in

the same manner in all respects and with the same effect, including any sentence thereunder, as if this act had not been passed, and such charter was still the charter of the city, and such charter shall govern as to such rights, remedies and all punishments thereunder.

SEC. 32. Nothing in this act contained shall be so construed as to annul, impair or affect any ordinance, by-law, resolution or regulation of the city, adopted by the common council, not inconsistent with the provisions of this act, but the same shall continue in full force and effect until the same shall be amended or repealed, as completely as if this act had not been passed.

Former ordinances to remain in force.

SEC. 33. All the officers of the city who may be in office at the passage of this act, shall continue to exercise the duties of their respective offices until the first Monday in May thereafter, and until their successors shall have been elected or appointed and duly qualified: *Provided*, They shall not have been elected or appointed for a longer period, but if they were elected or appointed for a longer period they shall continue to exercise the duties of their respective offices until the term for which they were elected or appointed shall expire by limitation, except as herein otherwise provided. All the officers to be elected under the provisions of this charter at the annual charter election of eighteen hundred ninety-seven may be nominated at primary elections and conventions already called or to be called to nominate ward and city officers. The provisions in the general election laws of the State as to the length of notice to be given for primary elections and conventions are hereby waived for the aforesaid charter election of eighteen hundred ninety-seven.

Present officers to remain.

Of nominations for 1897.

SEC 34. All acts or parts of acts, inconsistent with this act, or any part thereof, are hereby repealed.

Acts repealed.

This act is ordered to take immediate effect.

Approved March 25, 1897.

[No. 375.]

AN ACT to authorize the city of Iron Mountain to appropriate money for the construction and maintenance of a highway through the township of Breitung, in the county of Dickinson.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Iron Mountain are hereby authorized to appropriate from any moneys received by said city on account of liquor tax a sum not exceeding one thousand dollars for the establishment [and] an construction of a high-

Money may be taken from liquor tax.

Repairs.

way from the south end of Carpenter avenue in said city, through the township of Breitung in the county of Dickinson to the Menominee river, and after said highway shall have been established and constructed, to appropriate from such moneys an amount not exceeding in any one year the sum of two hundred dollars for repairs upon such highway.

This act is ordered to take immediate effect.

Approved March 26, 1897.

[No. 376.]

AN ACT to amend the charter of the city of Jackson, to repeal certain sections thereof and to add certain sections thereto.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter two; sections one, five and six of chapter three; sections sixteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six and thirty of chapter five; sections three, nine, and eighteen of chapter six; sections four, seven and eight of chapter seven; section seven of chapter seventeen; sections four, nine and ten of chapter eighteen; sections four, eight, twelve, seventeen, eighteen and twenty-eight of chapter twenty; section three of chapter twenty-one; sections seven and fifteen of chapter twenty-two; section eleven of chapter twenty-three and section eleven of chapter twenty-five of the charter of the city of Jackson be and the same are hereby amended so as to read as follows:

CHAPTER II.

Electors.

SECTION 1. The inhabitants of said city having the qualifications of electors under the constitution of the state, and no others, shall be electors therein; and every such elector shall vote in the ward where he shall have resided during the twenty days next preceding the day of election.

CHAPTER III.

Elective officers.

SECTION 1. The following officers shall be elected from among the electors of said city, viz.: A mayor, recorder (who shall be *ex officio* school inspector), treasurer, two school inspectors, two justices of the peace and a police judge.

Terms of office.

SEC. 5. The mayor shall hold his office for the term of one year from the first Monday in May, and the supervisors one year from the first Monday in April of the year when elected

and until their successors are qualified and enter upon the duties of their offices. The recorder and treasurer shall hold their offices for the term of two years from the first Monday in May of the year when elected, and until their successors are qualified and enter upon the duties of their offices: *Provided*, That the term of office of the person elected at the charter election in April, eighteen hundred ninety-seven, to the office of recorder shall continue for three years and at the expiration thereof the term shall be two years as above provided.

SEC. 6. One justice of the peace shall be elected every two years for the term of four years from the fourth day of July next after his election, the first election, under this section, to be held at the spring election in the year eighteen hundred ninety-nine. Justices of the peace.

CHAPTER V.

SEC. 16. The city attorney shall be appointed by the mayor by and with the consent of the common council, shall hold his office for the term of two years and in addition to the other duties prescribed in this act, shall be the legal adviser of the council and of all officers of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested; he shall prosecute for offenses against the ordinances of the city, and shall attend the meetings of the common council and board of public works when required. City attorney.
Duties of.

SEC. 20. There shall be two justices of the peace elected in said city, who shall be elected in the same manner that justices of the peace are now elected in said city: *Provided*, That no election of justices of the peace (except to fill any vacancy that may occur) shall be held in said city in the years eighteen hundred ninety-seven and eighteen hundred ninety-eight. The offices of the justice of the peace in said city now held by the justices whose terms expire on the fourth day of July, eighteen hundred ninety-seven, and the fourth day of July, eighteen hundred ninety-eight respectively, are hereby abolished from and after said last named dates respectively. The files, records and dockets appertaining to the offices of the justice of the peace in said city abolished by this act, shall be transferred to and kept by the other two justices. And either of the justices of the peace of said city is empowered to issue execution according to law, upon judgments appearing upon such dockets, with the same effect as if such judgments had been rendered by him. The justices elected in said city, under the provisions of this act, shall have and exercise therein and within the county the same jurisdiction and powers in all civil causes, suits and proceed- Justices of the peace.
Not to be elected until 1899.
Certain offices abolished.
Powers and duties.

Proviso.	<p>ings as are or may be conferred upon or required of justices of the peace by the general laws of the State: <i>Provided</i>, That all actions within the jurisdiction of justices of the peace may be commenced and prosecuted in said justices' courts whenever the plaintiffs or defendants, or one of the plaintiffs or defendants reside in either the said city or the townships of Summit, Blackman, Leoni, Spring Arbor or Sandstone in said county. And provided further that the justices of the peace exercising civil jurisdiction in said city shall up to the fourth day of July, eighteen hundred ninety-nine, receive the same fees and be governed by the laws now in force as to such justices.</p>
Election to be held, when.	<p>SEC. 21. There shall be elected at the annual election held in said city on the first Monday in April, eighteen hundred ninety-nine, one of the justices of the peace provided for in this act, who shall succeed the justice now holding office, whose term expires on the fourth day of July, eighteen hundred ninety-nine, and in any year thereafter when the term of a justice of the peace holding office shall expire on the fourth day of July, there shall be elected one justice of the peace at the annual election held in said city on the first Monday in April of that year to succeed him. The proceedings in all suits, actions and prosecutions before said justices, and in the exercise of the powers and duties conferred upon and required of them, shall, except as otherwise provided in this act, be according to, and be governed by the general laws applicable to courts of justices of the peace, and to the proceedings before such officers.</p>
Proceedings in suits.	
Salary.	<p>SEC. 22. From and after the fourth day of July in the year one thousand eight hundred and ninety-nine, each of the justices of the peace of the city of Jackson shall receive from the treasury of the city an annual salary to be fixed by the council, of not less than six hundred, nor more than one thousand dollars, which salary shall be in lieu of all fees, costs and charges, to which said justices would be entitled but for the provisions of this act; except fees for the performance of marriage ceremonies, for taking acknowledgments and for administering oaths in matters not connected with suits or proceedings in justices' courts in said city; such salary shall be paid to said justices in monthly installments, as other officers of said city are paid. Each of said justices shall be in attendance at his office on all days, except Sundays and legal holidays, from the hour of nine o'clock in the forenoon until noon, and from the hour of two o'clock until five o'clock in the afternoon. Every justice of the peace shall enter in the docket kept by him the title of all suits and prosecutions commenced before him, and all the proceedings, and the judgment rendered in every such cause, and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties and forfeitures, moneys and</p>
Office days and hours.	
Docket, what to be entered.	

costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the justice at all times to the examination of any person desiring to examine the same, and shall be produced by the justice to the council whenever required.

SEC. 23. Before any civil action or proceeding (except proceedings in garnishment) shall be commenced in any of said justices' courts, there shall be paid to said justice by the party commencing the same, an entry fee of one dollar, and before the trial of any such action or proceedings shall be commenced, such party shall pay a judgment fee of two dollars; but in case of non-suit before the commencement of trial, no judgment fee shall be required. Proceedings in garnishment shall be treated as part of the principal cause, and no additional fees shall be required therein, except when an issue of fact shall be joined in respect to the liability of a garnishee or garnishees; in such cases a judgment fee of two dollars shall be paid before such trial shall commence. The fees provided for in this section shall be in full for all services and proceedings by and before said justices, from and after the fourth day of July eighteen hundred and ninety-nine to and including the issuing of execution upon judgment therein, and shall be taxed in favor of the party paying the same if he be the prevailing party in the suit. For all services and proceedings subsequent to the issuing of the execution, or for the purpose of staying proceedings, or removing causes to an appellate court, there shall be paid to the said justice the fees provided by law. All costs, fees and moneys for services collected or received by any justice of the peace for or on account of the business of his office, except as herein otherwise provided, shall be paid over by such justice to the city treasurer on or before the first Monday of the month next after the collection or receipt thereof. And the justice shall take the receipt of the city treasurer therefor, and file the same with the recorder. The fees of witnesses, jurors, sheriffs and constables shall be paid to the persons respectively entitled thereto under the general laws of the state.

Fees upon
commencement
of actions.

To be in full
for services.

To be paid to
city treasurer.

Fees of wit-
nesses.

SEC. 24. If any party to a cause before any of said justices shall demand a trial by jury, he shall pay the fees therefor in advance, and the sum shall be disposed of by the justice in the manner now provided by law; and the moneys paid for jurors shall be taxed as costs in favor of the party paying the same, if he be the prevailing party in the suit; in addition to such other costs as he may be entitled to recover. And the justices of the peace up to the fourth day of July, eighteen hundred and ninety-nine, shall receive the same fees and compensation for their services as now provided by law.

Fees of jury to
be paid in
advance.

SEC. 25. In criminal cases, the same costs shall be collected and in the same manner as in such proceedings before justices of the peace in townships.

In criminal
cases.

Not to act as attorney.	SEC. 26. It shall be unlawful for said justices of the peace to act as counsel, agent or attorney for any party in any matter, suit or proceedings, within the jurisdiction of said courts.
Penalty.	A violation of this provision shall be deemed misconduct and shall be sufficient cause for removal from office of the party so violating.
Compensation of certain officers.	SEC. 30. The recorder, treasurer, city attorney, overseer of the poor, weighmaster, poundmaster, and all other officers elected or appointed in and for said city, and whose salary or compensation is not otherwise provided for, shall each receive such compensation as the council shall determine by ordinance. School inspectors shall serve without compensation where there shall be a county superintendent of schools or other boards for the inspection of teachers. Officers serving process and making arrests, except as herein provided, when engaged in causes and proceedings in violation of the ordinances of the city, shall charge and receive such fees as are allowed to those officers for the services by the general laws of the State. All other officers elected or appointed in the city shall, except as otherwise herein provided, receive such compensation as the council shall determine.

CHAPTER VI.

Recorder to be clerk of council.	SEC. 3. The recorder shall be clerk of the council but shall have no vote therein. He shall keep full record of all proceedings of the council and perform such other duties relating to his office as the council may direct. The recorder shall appoint a deputy recorder, who shall have and exercise in the disability or absence of the recorder all the powers and duties of the recorder, and shall receive for his services such sum as the council may, by ordinance, provide: <i>Provided</i> , That in case of a vacancy in the office of the recorder from removal by death or other cause, creating a permanent vacancy, the deputy recorder shall receive the salary provided for the recorder, upon furnishing the bond required by law until such vacancy shall be filled as provided by law.
Deputy.	
Vacancy.	
Certain officers to attend meetings of council.	SEC. 9. The city attorney, chief of police, chief engineer of the fire department and such officers as may be appointed by the board of public works shall attend the meetings of the council and shall give opinions and information on all subjects relating to their respective departments when required, subject to such rules and fines for non-attendance as the council shall from time to time prescribe, but without the right to vote. Said officers may be compelled to attend the meetings of the council in the same manner as members. and in addition to the services specifically required of them by this charter, they shall perform such other services within the scope of their respective offices as the council may by ordinance require.

SEC. 18. The council shall audit, allow and pass upon all claims against the city, whether arising out of contract or of tort, and whether for liquidated or unliquidated damages, and when required by the common council, every claim arising out of contract shall be accompanied with an affidavit of the person rendering it to the effect that he verily believes that the services of property therein charged for have been actually performed or delivered for the city; that the sums charged therefor are reasonable and just and that, to the best of his knowledge and belief, no set-off exists nor payment has been made on account thereof except such as are endorsed or referred to in such account or claim, and every account shall exhibit in detail all the items making up the amount claimed, and the true data of each; and every claim for unliquidated damages shall, so far as possible, state in detail the time, place and cause of the alleged injury for which damages are claimed and so far as known to the claimant what persons, if any, were present at the time of receiving the injury, or immediately thereafter. All claims, whether arising out of contract or tort, shall be presented to the common council for consideration within six months after the cause of action accrues in each case. It shall be a sufficient defense in any court to any action or proceeding for the collection of any claim against the city that it has not been presented to the council for allowance within six months as hereinbefore provided, or that the claim was presented without the affidavit aforesaid and rejected for that reason, or that the action or proceeding was brought before the council a reasonable time after the presentation of the claim to investigate and pass upon it.

Auditing
claims.

For damages.

Claims to be
presented with-
in six months.

CHAPTER VII.

SEC. 4. At the time of presenting any ordinance or resolution to the mayor for his approval, the recorder shall certify thereon, the time when the same was so presented, and after the return thereof he shall also certify thereon, and in the journal or printed record of the proceedings of the council, the time of the return of such ordinance or resolution and whether approved or with objections, and shall at the next meeting of the council report any ordinance or resolution returned with objections thereto. He shall also certify in such journal or printed record the time when such ordinance or resolution was presented to the mayor for his approval.

Recorder's
duty in present-
ing ordinances
to mayor.

SEC. 7. Immediately after the passage of any ordinance, the same shall be published, together with other proceedings of the council in the official paper of the city, designated as such by the common council, and the recorder shall, immediately after such publication, enter on the record of ordi-

Publication of
ordinances and
proceedings.

nances, in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made and sign the same officially, and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made.

Proof of ordinances in court.

SEC. 8. In all courts having authority to hear, try or determine any matter or cause arising under the ordinances of said city, and in all proceedings in such city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions, and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations or ordinances of said city, or any resolution adopted by the council thereof, the same may be read in all courts of justice, and in all proceedings: *First*, From a written or printed record thereof kept by the recorder; *Second*, From a copy thereof, or of such record thereof, certified by the recorder under the seal of the city; *Third*, From any volume of ordinances purporting to have been written or printed by the authority of the council.

CHAPTER XVII.

Plat of sewer or dyking district.

SEC. 7. Before proceeding to the construction of any district sewer or dyke of Grand river, the board of public works, by direction of the common council, shall cause a diagram and plat of the whole sewer or dyking district to be made, showing all the streets, public grounds, lands, lots and subdivisions thereof in the district, and the proposed route and location of the sewer and dykes; and the depth, grade and dimensions thereof, accompanied by an estimate of the cost thereof, and report the same to the common council. And the recorder shall give notice by publication for at least one week, in one of the daily newspapers of the city, of the intention to construct said sewer or dyke, and where said diagram and plat may be found for examination, and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer or dyke.

CHAPTER XVIII.

Survey and record of streets, alleys.

SEC. 4. The council may cause all public streets, alleys and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and description thereof to be recorded in the office of the recorder, in a book of street records; and they shall cause surveys and

descriptions of all street alleys, public grounds opened, laid out, altered, extended or accepted and confirmed by the council, to be recorded in like manner; and such record shall be *prima facie* evidence of the existence of such streets, alleys or public grounds as in the records described. And may, Obstructions. also provide by ordinance, for the removal of obstructions or encroachments, and no title to or property rights in streets, or public grounds or buildings in said city shall ever be gained by any encroachment thereon or obstruction thereof, or by adverse possession thereof, however long continued, nor shall the city be barred by reason thereof from maintaining proper actions to assert its rights therein.

SEC. 9. Such part of the expense of any pavement as is for the paving of the squares or spaces formed by the intersecting lines of public streets and alleys, the extra expense of cross-walks and which shall be for the paving of half of the street or alley in front of or adjoining to school buildings, county buildings [and other public buildings], and grounds not taxable, shall in all bids requested and in all contracts for paving, be itemized separately from that or those for the doing of the portions of the work, for which persons and real estate benefited are to be assessed, but may be included in the same contract, and the expense of such portion of the work and one-fifth of the expense of paving in front of the abutting property, and the expense for the preparation of the plan, the making of surveys, printing, assessments, for the giving of notices, advertising for bids, and the superintending of the work, including all items not let by contract, shall be paid from the paving or general fund of the city. Portion of expense for paving, etc., to be paid from general fund.

In case that the common council shall deem it necessary, it shall have power to raise the money to defray the expenses to be paid by the city at large of such construction of one or more pavements by levying a paving tax not exceeding one mill on the dollar, in [any] the year, in addition to all other taxes hereby authorized, by borrowing not exceeding ten thousand dollars, in any one year for that purpose, or partly by tax and partly by borrowing at a rate of interest not exceeding five per centum per annum, payable semi-annually, and to issue bonds therefor, and in any case of so raising moneys the sums shall be placed in a separate general fund. May raise paving tax.

SEC. 10. The expense of the construction of any pavement, other than the portion to be paid by the city, may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon that part of the street or alley so improved or proposed so to be; or constituted of lands fronting upon such improvement, and such other lands as in the opinion of the council may be benefited by the improvement: *Provided*, That when such assessment is to be made upon lots in proportion to their frontage upon the improve- May borrow. Paving assessments. Proviso.

ment, if from the shape or size or location of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessment upon other lots, the council or board of assessors making the assessment shall assess such lot for such number of feet as in their opinion will be just: *And provided also*, That if the special assessment district shall include other land not fronting upon the improvement, then the assessment shall [be] upon all the lands included in such special assessment district in proportion to the estimated benefits resulting thereto from the improvement: *Provided also*, That all gutters may be paved from the street district funds, when the same are made necessary for the protection of a street or part of a street upon which a full pavement has not been ordered.

Paving of
gutters.

CHAPTER XX.

Estimates,
plats, etc., to be
deposited with
recorder.

Notice of meet-
ing to consider
objections.

Assessment
roll.

Special assess-
ment roll.

SEC. 4. Before ordering any public improvement or repairs, any part of the expenses of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made by the board of public works, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the recorder for public examination, and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed, by publication for one week at least in one of the newspapers of the city, and of the time when the council will meet and consider any objections thereto. Unless a majority of the persons to be assessed shall petition [therefor] therefore, no such improvement or work shall be ordered, except by the concurrence of two-thirds of the aldermen elect; and in case of paving improvements except four-fifths of the aldermen elect shall concur.

SEC. 8. Upon receiving such order and direction, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, and the valuation thereof, with the names of the persons, if known, chargeable with the assessments thereon, together with the number of feet frontage of their respective premises; and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act, applicable to the assessment; and when such assessment is completed they shall report the same to the council.

SEC. 12. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll and levy as a special assessment therein upon each lot or parcel of land so reported to them, and against the person chargeable therewith, if known, the whole amount

or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises [respectively] respectfully, and when completed, the same shall be submitted to the city attorney who shall carefully review and return the same to the said board of assessors for such corrections as he may deem necessary, and after the same has been so corrected, they shall report the assessment to the council.

SEC. 17. Upon the confirmation of any special assessment, the amount thereof may be divided in not more than ten installments, one of which shall be collected each year at such times as the common council shall determine, with annual interest at a rate not exceeding six per cent per annum, and warrants, from time to time, shall be issued for the collection thereof. The common council shall have power to borrow

Division into installments.

the money necessary to complete such public improvement for which a special assessment roll shall have been made as aforesaid, and issue for the amount of such loan the bonds of the city, payable as may be provided by said common council, and the said common council shall reimburse the moneys so borrowed for the purposes of such public improvement from the proceeds of such special assessment. It shall only be lawful to issue such amount of bonds as may be necessary to pay for the portion of the expense of the particular improvement for which the special assessment is made and any saving, either in interest or premium upon bonds shall be *pro rata* for the benefit of the persons and lands assessed, and shall be deducted from the last installment or installments of the said special assessments. Said bonds shall be payable as near as may be at the times when said special assessments may, with due diligence, be collected: *Provided, however,* That no indebtedness for paving improvements shall, in anywise, be created in any one year in excess of ten thousand dollars, nor bonds issued for such excess unless the necessity for such additional indebtedness shall first be submitted to the electors of said city at a charter, general, or special election, and approved of by a majority of the electors voting thereon. Such submission shall only be made upon the concurrence of four-fifths of all the aldermen elect, and notice thereof shall be given in such manner as the council shall direct.

May bond city for improvement.

Limit of indebtedness.

SEC. 18. All special assessments, except such installments thereof as the council shall make payable at a future time as provided in the preceding section, shall be due and payable immediately upon the execution of the contract for the performance of the work and furnishing of the material for which such special assessments are levied.

When special assessments due.

SEC. 28. Said warrant may be renewed from time to time by the recorder, if the council shall so direct, and for such time as they shall [determine] determined, but not to exceed four

Renewal of warrant.

Assessments
returned
unpaid.

months in all, after the expiration of the sixty days mentioned in section twenty-five of this chapter, and during the time of such renewal the warrant shall have the same force, and the treasurer shall perform the same duties and make the like returns, as above provided. In case any assessment shall be finally returned by the treasurer unpaid as aforesaid, the same shall then be returned by the treasurer to the treasurer of the county of Jackson, with interest included from the date of the confirmation of the assessment, and the same shall be collected by the said county treasurer for the benefit of the city of Jackson as other delinquent taxes against real estate are collected as hereinafter provided.

CHAPTER XXI.

Notice of
application
for jury.

Service of
notice.

Return by
officer.

Effect of notice.

Interest and
sinking fund.

SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with the recorder, and notice of the time and place of making said application, including a copy of said resolution, shall be given by publishing the same for one week in one of the newspapers of the city, the first publication of which shall be at least thirty days before the time fixed for the application. And a copy of said notice and resolution shall be personally served by the chief of police, any policeman or the sheriff of the county, at least two weeks before the time for said application, upon each owner and person interested in said lands, so far as known, and upon the guardian of any minor or incompetent person interested therein, if to be found within the city or elsewhere in the county; and if any such guardian, owner or person interested in the premises shall not be found within the city or county, a copy of said notice and resolution shall be posted upon the premises to be taken the same length of time before making the application. A return by the sheriff, chief of police or policeman, of the service or posting of copies of said notice and resolution (which return shall be conclusive as to the matters therein stated) and an affidavit of the publication of said notice and resolution shall be filed with the said recorder before or at the time of making said application. And after the publication and service or posting of said notice as aforesaid, the owners and all persons interested in any [of] the lands sought to be taken for said improvement, shall take notice of and be bound by all the subsequent proceedings without further notice, except as herein otherwise provided.

SEC. 7. The council may also raise annually, not to exceed four mills on the dollar of the assessed valuation of the property in the city, to provide an interest and sinking fund to pay the funded debts of the city and the interest thereon.

SEC. 15. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of ground therefor, or for other public improvements or purposes, to be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this chapter, such amount may be raised by tax or loan secured by the bonds of the city if authorized by a majority vote of the electors voting upon such question at an annual or special city election. The amount that may be voted or raised in any year under the provisions of this section shall not exceed one per cent of the assessed valuation of the property in the city as shown by the last preceding tax rolls, and shall be raised with the next annual city tax or if a loan at such times as the common council shall direct.

Raising greater sums by vote of electors.

Limit of amount.

CHAPTER XXIII.

SEC. 11. The treasurer, upon receiving the warrant mentioned in the preceding section, shall proceed to collect the taxes and assessments therein mentioned that remain unpaid, and shall call upon each person whose taxes or assessments remain unpaid, if a resident of the city, at least once, and demand payment of the taxes and assessments charged to him upon said roll, and the percentage for the collection of the same, and in case of refusal or neglect to pay such taxes or assessments, and assessments and collection percentage, the treasurer shall levy the same by distress and the sale of the goods and chattels of every such person, wherever found within the city, and may take any property that can be taken by township treasurers in the collection of taxes; he shall give the same notice, and sell in the same manner as township treasurers are required to do in the collection of taxes, and any surplus shall be returned to the person in whose possession said property was when the distress was made; and the treasurer shall, within ten days after the time mentioned in his warrant for the collection of said unpaid taxes and assessments, return said tax roll into the office of the recorder, and in case any of the taxes or assessments mentioned in said roll shall remain unpaid and he shall be unable to collect the same, he shall make out a statement of the taxes and assessments remaining unpaid and due, with a full and perfect description of such premises from said roll and shall attach thereto an affidavit that the sums mentioned in said statement remain unpaid, and that he has not upon diligent inquiry, been able to discover any goods or chattels belonging to the person charged with or liable to pay such tax or assessment. And thereupon, and immediately upon the completion of such statement, the said city treasurer shall file the same, together with a certified copy of his assessment roll with the treasurer of the county of Jackson, and

Duty of treasurer in collection of taxes.

Statement of unpaid taxes to be filed with county treasurer.

Sections
repealed.

thereupon all of the unpaid taxes upon real property set forth in said statement shall be collected under the general laws of the state in the same manner and with like effect as delinquent lands returned by the township treasurers but for the benefit of the said city of Jackson, and the treasurer of said city shall have the right to appear upon the sale of such lands, if any shall be made by the county treasurer, and bid the same in, if necessary, for the benefit of the said city of Jackson. Sections thirteen, fourteen and fifteen of said chapter twenty-three are hereby repealed.

CHAPTER XXV.

Board to make
contracts.

SEC. 11. The common council, by resolution, direct said board to enter into a contract with the lowest responsible bidder for the furnishing of material and the performance of the labor necessary for making any public improvement for which bids or proposals have been so reported, but shall not direct the execution of said work for the making of the improvement in any other mode than by contract, unless the board shall have first recommended the doing of the work in some other mode and in such case, it shall require the votes of a majority of the members elect of the common council to authorize the performance of the work in any other manner than by contract.

Sections
repealed.

SEC. [II.] 11. Sections seventeen and eighteen of chapter eight of the charter of said city of Jackson are hereby repealed and the following sections are hereby added to said chapter eight:

Police court
established.

SEC. 17. There shall be established and organized a municipal court in and for the city of Jackson, to be known as and called "the police court of the city of Jackson" and there shall be elected a justice of said court as hereinafter provided, to be known as the police justice. From and after the fourth day of July, eighteen hundred and ninety-seven, the justice of the peace of the city of Jackson, whose term will expire in the year eighteen hundred and ninety-eight shall hold the said office of police justice the same as though he had been duly elected thereto, until the expiration of the time for which he was elected as such justice of the peace.

Who to be
police justice
until 1898.

Election.

At the annual charter election of said city of Jackson, to be held in eighteen hundred and ninety-eight, and at every fourth annual charter election thereafter, a police justice shall be elected in and for said city by the electors thereof, in the manner provided by law for the election of mayor of said city, and the person so elected shall hold said office for the term of four years from and after the first Monday in May next after his election, and until his successor shall be elected and qualified. Before entering upon the duties of his office, he shall take, subscribe and file in duplicate, with the clerk

of said city, and with the clerk of the county of Jackson, respectively, the constitutional oath of office.

SEC. 18. It shall be the duty of the prosecuting attorney of the county of Jackson, or his authorized deputy or assistant, to attend all sessions of said police court, and prosecute all state criminal cases therein; and it shall be the duty of the city attorney, or any assistance authorized by the common council, to attend all sessions of said court, to prosecute all violations of the charter, by-laws or ordinances therein.

Prosecuting attorney to attend police court.

City attorney.

SEC. 19. The police judge shall hold a court in said city, at a suitable place, to be provided by the common council thereof, to be styled the police court, and which shall not be a court of record. Said police judge shall have power and authority to take complaints, issue all processes necessary in said court, to be signed by or attested in the name of said judge, and the court shall have the same power, to punish contempts and preserve order, to compel the attendance of witnesses, parties and jurors, and determine as to the qualifications of jurors, and such further powers incident to a circuit court, and the judge thereof, as may be convenient in the exercise of the jurisdiction and powers herein conferred upon him as such court; he shall also have all the powers and authority of a justice of the peace, except in the trial of civil cases. And in every trial in said court by jury, the city or the people, as the case may be, shall be entitled to but two peremptory challenges, and the accused to but two peremptory challenges.

Council to provide court room.

Powers of justice.

Challenges.

SEC. 20. Said police court shall have exclusive original jurisdiction to issue process for, hear, try and determine all cases against persons charged with violations of the provisions of the charter of said city, or of any act of the legislature relating to the government thereof, and of the by-laws and ordinances of the common council thereof, already enacted, or that may hereafter be enacted, anything in any other law of this state or the charter of said city or any ordinance of said city contained to the contrary thereof notwithstanding; and all the provisions of law relative to complaints against offenders for violations of the provisions of the charter of said city or any by-laws or ordinances of the common council of said city or of the acts aforesaid and relative to process, proceedings and judgments therein, and relative to executions upon such judgments and proceedings thereon shall apply to said police court. Said police court shall also have exclusive original jurisdiction to issue process for, to hear, try and determine all cases of misdemeanor, and of a quasi criminal nature, committed within the corporate limits of said city heretofore or hereafter within the jurisdiction of [justice] justices courts, anything otherwise herein or in any other law of this State contained to the contrary thereof in anywise notwithstanding. Said police court shall also have ex-

Powers of court.

clusive original jurisdiction to issue process for, hear, try and examine, and to hold to bail or discharge all persons charged therein with the commission of felonies within the corporate limits of said city. Said police court shall have authority to sentence any person convicted therein of the commission of a misdemeanor and triable in justice courts of this State, the same as justices of the peace may by law do. It shall not be necessary to file a record of any conviction had in said court, but the dockets or journal entries and files shall be *prima facie* evidence of all proceedings had in said court. And in all cases of the violation of the provisions of the charter, by-laws or ordinances of said city, each member of the police force may make arrest without process when committed in his presence, in which case complaint and arraignment shall be made without delay, so that no injustice shall be done.

Arrests without process.

Practice in police court.

Who process directed to.

SEC. 21. The practice in said court may be the same as practice in courts of justices of the peace in criminal cases, and the laws of of this State relative to such practice, and the procedure before justices of the peace in criminal cases shall, except where herein otherwise provided, extend to said police court, so far as is consistent with the practice of said court. All process issued out of said court shall be directed to the chief of police, or any member of the police force of said city, or to the sheriff of Jackson county, or to the police constables of said city, but no such process shall be served or executed by the chief of police or any member of said police force outside of the corporate limits of said city, unless in case of immediate pursuit in view of such officer, in which case he or they may pursue and arrest the same as the sheriff of the county might in like case do. It shall be the duty of the sheriff to keep a record of all process required to be served and executed outside of said city, which record shall show the date of the process, name of the accused, a summary of the proceedings had therein and the amount of fees and charges of the officers who shall execute the same.

Salary of police judge.

SEC. 22. The police judge shall receive no fees or pre-requisites for services performed under the act, but in lieu thereof the police judge shall receive an annual salary to be fixed by the council of not less than six hundred dollars nor more than one thousand and two hundred dollars, one-half of which shall be paid by the city of Jackson monthly and one-half of which shall be paid by the treasurer of the county of Jackson, out of the treasury of said county, in the manner provided by law for the payment of the salary of the prosecuting attorney. Neither the chief of police nor any member of the police force of said city shall be entitled to receive for his own use any fees for services performed under this act, but in lieu thereof the chief of police and members of the police force of said city shall receive such annual salary as shall be fixed by the board of police commissioners of the city of Jackson.

Police officers not to receive fees.

SEC. 23. It shall be the duty of the common council of said city to provide a suitable office for the judge of said court adjacent to the court-room thereof, as near as may be, and such necessary furniture, [light] lights, fuel, records, blanks, stationery and other articles as may be required for the judge, court, jury and other officers of said court.

Office of the judge.

SEC. 24. The police court shall always be open for business but may adjourn its sittings from day to day and from time to time as may be convenient and not inconsistent with the dispatch of business therein. Cases and examinations pending in said court may be adjourned from time to time, not exceeding three months from the arraignment of the accused therein, unless the court shall be satisfied by proper evidence that the attainment of justice requires a further continuance, and then only for such further time as the exigency of the case for the attainment of the object aforesaid shall require. In case of the removal from the city of the judge of said police court, his death, resignation or removal from office, his office shall be deemed vacant and such vacancy filled in the manner hereinbefore provided.

Police court, open when.

Vacancy in office of judge.

SEC. 25. It shall be the duty of the judge of said court to instruct the jury as to the laws applicable to the case, which instructions shall be received by the jury as the law of the case. Such defendant shall have the right to appeal, provided such appeal shall be taken and perfected within twenty-four hours from the time of the court pronouncing its judgment or sentences, and *certiorari* from final judgment of said court, as provided by law for appeals and *certiorari* from final judgments of justices of the peace in criminal cases, such appeals being taken and perfected as hereinbefore in this section provided. In State criminal cases, appeals and writs of *certiorari* shall, when taken, be taken to the circuit court for the county of Jackson. Juries shall be obtained and appeals and writs of *certiorari*, both in city and State cases, shall be taken, perfected and returned in the manner provided by law for like acts before justices of the peace in criminal cases, except as herein otherwise provided.

Instructions to jury.

Appeals, when taken.

SEC. 26. In case of the absence, inability or disability of the police judge to perform the duties of his office, the justice of the peace whose term will soonest expire shall perform such duties. He shall receive compensation for the time he shall officiate at the rate of one dollar per day, to be paid in the same manner as the police judge, except that his claim for such salary shall be allowed as other claims against said city and county.

When police judge absent.

SEC. 27. Cases commenced in the name of said city for violations of the provisions of the charter or ordinances of said city or of any act of the legislature relating to the government thereof shall be prosecuted and proceeded in and judgment thereon, and the final process upon such judgment

Procedure in certain cases

Disposition of
fines.

to carry the same into effect, shall be in all respects as in criminal cases, but all fines and costs collected in such cases shall be paid to the treasurer of the city of Jackson on the first Monday of each and every month, or within three days thereafter, and all fines and costs collected in State criminal cases shall at the same time be paid to the treasurer of the county of Jackson by the judge of the police court, and receipts therefor shall be duly issued to said police justices. Said justice shall at the same time report in writing to the common council of said city, in city and State criminal cases, and to the board of supervisors in State criminal cases, the names of all persons tried in said court during the preceding month, the offense charged against each, and the amount of fines and costs separately collected by him, and shall make oath thereto that the same are correct and that he has paid over all the said moneys respectively in accordance with the provisions of this act.

Justice to make
monthly report.

Fees and costs.

SEC. 28. The fees and costs in each case in the said court whether under the laws of this State or under the charter, by-laws or ordinances of said city, shall be the same as are or may be provided by law for like cases before justices of the peace, in criminal cases and shall be taxed by the said police justice. The fees of witnesses, jurors, sheriffs and constables, other than police officers of said city, shall when collected be paid to them by said justice to their own use, and in city cases commenced before said police court for the recovery of fines, penalties, or forfeiture, and in all cases of offense against the criminal laws of this State, within the jurisdiction of said court to try and determine. If the defendant shall plead guilty to the offense charged, or shall be found guilty thereof on trial by said judge, judgment for costs accruing in the case shall be rendered against and paid by said defendant, in addition to the fine, penalty or forfeiture imposed.

May require
security for
costs.

SEC. 29. The said police judge shall have authority in all cases, either State or city, at his discretion, either before or after issuing of process, to require of the complaining witness security for costs to the satisfaction of said judge and the person becoming such surety shall sign a memorandum in writing to that effect, which said judge shall keep as a part of the record in the case. If the defendant or accused be discharged on examination or acquitted on trial, the said police court shall enter a judgment for costs against the surety and complaining witness, either or both of them, which shall be of like force and effect, and shall be collected as upon judgments rendered by a justice of the peace in actions commenced by warrant, and of like form with such executions as near as may be: *Provided, however,* Before rendering such judgment said court shall cause to be certified on the record that such payment of costs by such complainant is just and equitable.

SEC. 30. One-half of all the costs and expenses of said city in maintaining and providing for said court other than for the salaries of its officers, shall be paid to the recorder of said city annually by the treasurer of said county, out of the treasury of said county, and by said city recorder deposited in the treasury of said city at the close of the regular annual session of the board of supervisors of said county: *Provided*, That one-half the whole amount of the expense of said city for salaries of the police judge and for rent of court room and office, and records, blanks, and stationery for use of said court and the officers thereof, in any one year, shall not exceed the sum of twelve hundred dollars. It shall be the duty of the recorder of said city on the first day of each annual session of said board of supervisors to present the claim of said city therefor, duly certified, and said board shall, if found correct, at the same session, audit and allow the same, and order the payment thereof as aforesaid.

County to pay
portion of ex-
pense of court.

Provide as to
amount.

SEC. 31. Said police judge may be suspended from his said office and removed therefrom in the same manner and form as provided by law for the suspension and removal of justices of the peace.

Police judge
may be sus-
pended.

SEC. 16. Whenever any person shall be sentenced by the police court to confinement in any place of imprisonment outside of the corporate limits of said city, it shall be the duty of the police constables or sheriff or any deputy sheriff of Jackson county to take, transfer, convey and deliver such sentenced person, under commitment of said court, to such place of imprisonment; but all other commitments may be executed by said sheriff, or police constables or by the chief of police, or any member of the police force of said city.

Duty of sheriff,
etc., in convey-
ing prisoners.

SEC. 32. In case of examination of offenders by said police court, for offenses committed against the criminal laws of this State, when said police court has jurisdiction to examine and hold to bail only, it shall be lawful for said police court to cause an order to be entered in the records of such court before or during the pendency of said examination, on motion of the prosecuting attorney of said county, and if in the judgment of said court it be for the best interest of the public so to do, appointing some suitable stenographer, to be named by said court, to take down in short hand the testimony of any such examination; and any stenographer so appointed shall receive such per diem compensation for the time by him expended in so taking down such testimony, and such price per folio for writing out in longhand such testimony so taken in shorthand, as shall be fixed by the board of supervisors of Jackson county, the same to be allowed and paid out of the treasury of said county.

May appoint
stenographer.

SEC. 33. All criminal cases arising in said city and commenced before any justice of the peace before this act shall take effect, shall be tried, heard, determined or examined, as

Cases on trial
to be continued.

if this act had not been passed, and all city cases pending in the courts of said city at the time of the passage of this act, shall be tried, heard, determined, or examined into as if this act had not been passed.

Annual appropriation bill.

SEC. 3. The common council shall have power at any time within forty days after the approval of this act by the governor, to amend the annual appropriation bill of said city, so as to conform to and meet the requirements of these amendments.

This act is ordered to take immediate effect.

Approved March 26, 1897.

[No. 377.]

AN ACT to repeal act four hundred and fifty-one (451) of the local acts of the year eighteen hundred ninety-five (1895), entitled "An act to constitute the president of the village of Harbor Springs and the mayor of the city of Petoskey *ex officio* members of the board of supervisors of Emmet county.

Act repealed.

SECTION 1. *The People of the State of Michigan enact*, That act number four hundred and fifty-one (451) of the local acts of eighteen hundred and ninety-five (1895), entitled "An act to constitute the president of the village of Harbor Springs and the mayor of the city of Petoskey *ex officio* members of the board of supervisors of Emmet county," be and the same is hereby repealed, and each and every part thereof.

This act is ordered to take immediate effect.

Approved March 31, 1897.

[No. 378.]

AN ACT to legalize certain records of title in Crawford county.

To legalize record of titles.

SECTION 1. *The People of the State of Michigan enact*, That the records of title kept and recorded by the register of deeds of the county of Kalkaska for the county of Crawford, during the time that said county of Crawford was attached to said county of Kalkaska for municipal and judicial purposes, be and the same are hereby made, and declared to be, valid and legal as evidence of title in the said county of Crawford, and such records are hereby given the force and effect of original records.

SEC. 2. All acts and parts of acts in anywise contravening the provisions of this act are hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved March 31, 1897.

[No. 379.]

AN ACT to amend sections twenty-two and twenty-three of act number four hundred and seventy-nine of the local acts of one thousand eight hundred and seventy-one, being an act entitled "An act to establish a police government for the city of Detroit," approved April seventeenth, one thousand eight hundred and seventy-one, and the acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact, That* sections twenty-two and twenty-three of act number four hundred and seventy-nine of the local acts of one thousand eight hundred and seventy-one, being an act entitled "An act to establish a police government for the city of Detroit," approved April seventeenth, one thousand eight hundred and seventy-one, and the acts amendatory thereof, be and the same are hereby amended so as to read as follows: Sections amended.

SEC. 22. It shall be the duty of the board of metropolitan police to prepare and submit to the city controller, on or before the fifteenth day of February in each year, an estimate of the whole cost and expense of providing for and maintaining the police department of said city during the next ensuing fiscal year, which estimate shall be in detail, and shall be laid by the controller before the common council with the annual estimates; such estimates, or so much thereof as the common council shall approve, shall be submitted by the common council to the board of estimates of said city; and so much thereof as shall be approved by the board of estimates, shall be provided for in the general tax assessment, by levy to be laid on said city and collected with other city taxes; and said money, when collected, shall be paid into the city treasury, and shall be styled "the metropolitan police fund:" *Provided, however,* That the common council shall have power to apply the whole or any portion of the moneys received from the liquor taxes on the appropriation for the metropolitan police fund, in lieu of raising that portion of the appropriation by general taxation. Board to make annual estimate of expenses.

SEC. 23. On and after July first, one thousand eight hundred and ninety-seven, all pay rolls, bills, accounts and claims of every character against the police board, shall, after having Claims and accounts to be paid on warrant of controller.

Proviso.

been duly audited by the board, approved by the president, and certified and properly vouchered by the secretary of the board, be transmitted to the controller, who shall submit the same to the common council with his approval or disapproval. When said pay rolls, bills, accounts and claims shall have been allowed by the common council, the controller shall draw his warrant (warrants) on the city treasurer in payment therefor: *Provided, however*, That no bill, account, or claim against the police board shall be allowed by the board unless the same shall be accompanied with an affidavit of the person rendering it, that he verily believes that the services or property therein [charged] changed have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that, to the best of his knowledge and belief, no offset exists nor payment has been made on account thereof, except such as are included or referred to in such bill, account or claim; and *Provided, further*, That the police board shall, up to and including June thirtieth, one thousand eight hundred and ninety-seven, draw their warrant, signed by the secretary and countersigned by the president directly on the city treasurer in payment of all pay rolls, bills, accounts and claims allowed by the board, and the city treasurer shall honor and pay said warrants as above provided.

This act is ordered to take immediate effect.

Approved March 31, 1897.

[No. 380.]

AN ACT to amend section ten of act number three hundred and eighty-eight of the local acts of eighteen hundred and eighty-nine, being an act entitled "An act supplemental to the charter of the city of Detroit, and relating to parks, boulevards, and other public grounds in said city, and to repeal act number three hundred seventy-four of the local acts of eighteen hundred seventy-nine, entitled 'An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the city of Detroit and through portions of the townships of Hamtramck, Greenfield, and Springwells in the county of Wayne,' approved May twenty-first, eighteen hundred and seventy-nine," and the acts amendatory thereof.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section ten of act number three hundred and eighty-eight of the local acts of eighteen hundred and eighty-nine, being an act entitled "An act supplemental to the charter of the city of

Detroit, and relating to parks, boulevards and other public grounds in said city, and to repeal act number three hundred and seventy-four of the local acts of eighteen hundred and seventy-nine, entitled 'An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the city of Detroit and through portions of the townships of Hamtramck, Greenfield and Springwells, in the county of Wayne,' approved May twenty-one, eighteen hundred and seventy-nine," and the acts amendatory thereof, be amended so as [to] read as follows:

SEC. 10. On and after July first, eighteen hundred and ninety-seven, all pay rolls, bills, accounts and claims of every character against the commission, shall, after having been duly audited by the commission, approved by the president, and properly vouchered and certified by the secretary, be transmitted to the city controller, who shall submit the same to the common council with his approval or disapproval. When said pay rolls, bills, accounts and claims shall have been allowed by the common council, the controller shall draw his warrant (warrants) on the city treasurer in payment therefor: *Provided, however,* That no bill, account or claim against the commission shall be audited or allowed by the commission, unless it shall be accompanied with an affidavit of the person rendering it, that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that, to the best of his knowledge and belief, no offset exists, nor payment has been made on account thereof, except such as are included or referred to in such bill, account or claim; and *Provided, further,* That the commission shall, up to and including June thirtieth, eighteen hundred and ninety-seven, draw their warrants, signed by the secretary and countersigned by the president, directly on the city treasurer in payment of all pay rolls, bills, accounts and claims allowed by the commission, and the city treasurer shall honor and pay said warrants as above provided. No debt or liability of any kind shall be created by said commissioners during any one fiscal year in excess of the moneys then in said fund, or which may have been authorized to be raised by said common council for such year. The commissioners may receive donations or bequests of money or property, which shall be used for the maintenance and improvement of the grounds under their charge, or either of them, as contemplated by such donation and bequest.

Claims and
accounts, how
paid.

This act is ordered to take immediate effect.

Approved March 31, 1897.

[No. 381.]

AN ACT to provide for the strengthening and betterment of the "Merrill bridge" in the township of James, Saginaw county, by the issue of bonds by the townships of James, Fremont and Swan Creek.

Township
authorized to
borrow money
to repair
bridge.

SECTION 1. *The People of the State of Michigan enact*, That the townships of James, Fremont and Swan Creek, all in Saginaw county, are hereby severally authorized to borrow money on the faith and credit of each several township for the purpose of strengthening the so-called "Merrill bridge" in the township of James, by the building of piers thereunder and approaches thereto; the township of James is hereby authorized to borrow two thousand dollars and the townships of Fremont and Swan Creek each five hundred dollars for the purposes specified in this section.

Board to fix
time for pay-
ment of bonds.

SEC. 2. The township boards of the said townships of James, Fremont and Swan Creek shall severally have the power and it shall be their duty to fix the time of payment of the bonds to be issued by the several townships, at a date not later than five years from the date thereof and also to fix the rate of interest to be borne by said bonds, not exceeding six per cent per annum, payable annually, and such bonds shall be signed by the supervisor and countersigned by the clerk of the township issuing the same, and the date of sale thereof shall be endorsed on each of said bonds and signed by the township treasurer. The money received from the sale of such bonds shall, for each several township, be paid into the township treasury and shall be paid out only upon an order of the township board for the purposes specified in section one of this act; the township clerk shall enter in the book of township records a full description of said bonds, giving their date, number, amount, rate of interest, when payable and when delivered to the treasurer, and shall charge the treasurer with the amount of the same.

Clerk to keep
record of bonds.

Not to be issued
except on two-
thirds vote.

SEC. 3. The bonds aforesaid shall not be issued nor said bridge repaired by the building of piers thereunder and the construction of approaches thereto, unless two-thirds of the qualified electors of said townships of James, Fremont and Swan Creek voting thereon (each township voting for and by itself on the proposition hereinafter described) shall vote therefor at the next township meeting to be held in said townships as further specified in this section. It shall be the duty of the township clerks of the above mentioned townships to immediately give notice to the electors of said townships that the question of issue of bonds, as specified in this act, will be submitted to them at the then ensuing township meeting, and the inspectors of election shall cause ballots to be prepared and

Notice to be
given of sub-
mitting ques-
tion of bonding.

ballot boxes therefor. The vote on the question of the issue of bonds for the betterment of the said "Merrill bridge" shall be by ballot, "For the bridge loan; Yes" or "For the bridge loan; No." The inspectors in each several township shall canvass such vote and make a duplicate certificate of such vote signed by them or a majority of them, one copy of which shall be deposited with the township clerk and the other with the clerk of Saginaw county.

SEC. 4. The township board and the commissioner of highways of the township of James shall be for the time being special commissioners to have charge of the building of piers under the said "Merrill bridge" and the construction of approaches thereto, and the action of any three of them shall be legal and binding; it shall be their duty as soon as may be to procure detailed drawings and specifications of the piers which are to be constructed and the approaches which are to be built and to deposit the same with the township clerk in his office subject to inspection, and to advertise in one or more of the newspapers published in said county of Saginaw for sealed proposals for the building of such piers and approaches and the furnishing of materials therefor, and it shall be their duty to contract for the building of such piers and approaches, with the lowest responsible bidder, who shall give the said township good and sufficient bonds for the performance of his contract satisfactory to such special commissioners: *Provided*, That such lowest bid shall not exceed the amount that may be lawfully applied to the building of such piers and approaches.

Special commissioners.

SEC. 5. It shall be the duty of said special commissioners or any three of them, for and in behalf of said township to enter into a contract with the person or persons who have been determined to be the lowest responsible bidder for such work and materials for the construction of such piers and approaches, and they are hereby authorized to draw their orders upon the treasurer of said township for pay for such work and materials, when the same shall become due and payable in accordance with the terms of said contract.

Commissioners to enter into contract with lowest bidder.

SEC. 6. It shall be the duty of the township board of the township of James, when the contract or contracts for the building of such piers and approaches has been let, to serve written notice upon the township boards of the townships of Fremont and Swan Creek that such contracts have been let, together with the terms thereof and the manner of payment, and it shall be the duty of the township boards of the townships of Fremont and Swan Creek, on receipt of the notice aforementioned, to give to the treasurer of the township of James orders upon the treasurers of the townships of Fremont and Swan Creek, for the amount of money which may have been voted and raised in accordance with the provisions of this act by said townships for the purpose of aiding said

Township board to serve written notice of letting contract, etc.

township of James in the strengthening and betterment of the said Merrill bridge, and it shall be the duty of the treasurers of the townships of Fremont and Swan Creek to pay over to the said treasurer of the township of James the moneys so in their hands in accordance with the orders of the respective township boards.

Supervisors
to include in
amount to
be raised.

SEC. 7. It shall be the duty of the supervisors of said townships of James, Fremont and Swan Creek, each of them severally for his own township, each year and until the bonds issued under the provisions of this act have been paid, to include in the amount to be raised in said township for township expenses and to assess upon the taxable property of the township such sum as will be required and sufficient to pay the interest and principal of said bonds as the same shall become due and payable.

This act is ordered to take immediate effect.

Approved March 31, 1897.

[No. 382.]

AN ACT to authorize the board of supervisors of Saginaw county to pay its committees during the time the board is not in session, and when so first authorized by the board to serve and the time each member of said committees may serve in any one year.

Board of super-
visors to com-
pensate its
committees for
services rendered.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors of Saginaw county be, and is hereby authorized to compensate its committees for services rendered to said board during the time the board is not in session, said compensation not to exceed three dollars per day and mileage per member, and the time as to each member not to exceed six days in any one year: *Provided*, That said compensation be allowed only when said sessions of the committee have first been authorized by said board.

Proviso.

This act is ordered to take immediate effect.

Approved March 31, 1897.

[No. 383.]

AN ACT to amend act number two hundred and fifty of the session laws of eighteen hundred seventy-three, entitled "An act to revise the charter of the city of Coldwater" being amendatory of an act, entitled "An act to incorporate the city of Coldwater," approved February twenty-eighth, eighteen hundred sixty-one, as amended by several acts amendatory thereof, approved April seventeenth, eighteen hundred seventy-three and an amendatory act approved May eleventh, eighteen hundred eighty-nine, by adding nine new sections thereto to stand as sections sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four and seventy-five.

SECTION 1. *The People of the State of Michigan enact*, That act number two hundred and fifty of the session laws of eighteen hundred seventy-three, entitled "An act to revise the charter of the city of Coldwater" being amendatory of an act, entitled "An act to incorporate the city of Coldwater" approved February twenty-eight, eighteen hundred sixty-one, as amended by several acts amendatory thereof, approved April seventeen, eighteen hundred seventy-three and an amendatory act approved May eleven, eighteen hundred eighty-nine by adding nine new sections thereto, to stand as sections sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four and seventy-five. Sections added.

SEC. 67. The said city of Coldwater may acquire, hold and own such cemetery or public burial place or places, either within or without the limits of the said city of Coldwater, as in the opinion of the council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials to be taken up and buried elsewhere. May acquire, hold and own cemetery or burial place.

SEC. 68. The mayor by and with the consent of the council shall appoint three trustees, who shall be freeholders and electors in said city and who shall constitute a "board of cemetery trustees." The three trustees so appointed shall hold their offices for the term of three years, except that at the first appointment one shall be appointed for one year, one for two years and one for three years, from the first Monday of May in each year when appointed and annually thereafter one trustee shall be appointed. The council may remove any trustee so appointed for inattention to his duties, want of proper judgment, skill or taste for the proper discharge of the duties Mayor to appoint trustees.
Term of.

required of him, or other good cause. Said board shall serve without compensation.

Board to
appoint chair-
man.
City clerk to be
clerk of board.

SEC. 69. The board of cemetery trustees shall appoint one of their number chairman and the city clerk shall be the clerk of the board. And the council may by ordinance invest the board with such powers and authority as may be necessary for the care, management and preservation of such cemetery and grounds, the tombs and monuments therein and the appurtenances thereof; and in addition to the duties herein mentioned, the board shall perform such other duties as the council may prescribe.

Care and man-
agement.

SEC. 70. Said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places and shall direct the improvements and embellishments of the grounds; cause such grounds to be laid out into lots, avenues and walks; the lots to be numbered and the avenues and walks to be named and plats thereof to be made and recorded in the office of the city clerk. Such board will also have power in its discretion to take, receive and hold any property, real or personal, by devise or otherwise, which may be granted, transferred or devised to such board in trust for the purpose of caring for and keeping in good order and repair any given lot or lots, or portions thereof, specified in any such trust. The board shall fix the price of lots and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the city clerk, and be recorded in his office at the expense of the purchasers.

Board to
appoint super-
intendents,
employés,
etc.

SEC. 71. Said board shall appoint the necessary superintendents and employés for the cemetery; expend the money provided for the care and improvement of the grounds; enforce the ordinances of the city made for the management and care thereof, and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds as may be consistent with the ordinances of the city, and the laws of the State.

To report
to council
annually.

SEC. 72. The board of trustees shall report to the council annually on the first Monday in April and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source, and from whom, and the date, amount, items and purpose of all expenditures and liabilities incurred, and to whom paid, and to whom incurred, and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

Council may
pass and en-
force ordi-
nances.

SEC. 73. The council of said city, owning a public burial ground or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein and to control or regulate such cemetery

or burial place and the improvement thereof, and to protect the same and the appurtenances thereof from injury and to punish violations of any lawful orders and regulations made by the board of cemetery trustees.

SEC. 74. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging to or under the control of any church, religious society, corporation, company or association and for the protection and preservation of the tombs, monuments and improvements thereof and the appurtenances thereto.

Power of council as to ordinances.

SEC. 75. All former acts and parts of acts, inconsistent herewith, are hereby repealed and nothing in this act contained shall be so construed so as to annul and impair or affect any ordinance, by law or resolution of said common council, or city, inconsistent with the provisions of this act; but the same shall continue and be in force, until amended or repealed, as fully as though this act had not been enacted.

Acts repealed.

This act shall take immediate effect.

Approved March 31, 1897.

[No. 384.]

AN ACT to amend section one of chapter two of act number four hundred and sixty-eight of the local acts of eighteen hundred and ninety-five, being an act entitled "An act to amend and revise chapters one and two of an act entitled 'An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith,'" approved June seventh, eighteen hundred and eighty-three.

SECTION 1. *The People of the State of Michigan enact, That* section one of chapter two of act number four hundred and sixty-eight of the local acts of eighteen hundred and ninety-five, being an act entitled "An act to amend and revise chapters one and two of an act entitled, 'An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith,'" approved June seventh, eighteen hundred and eighty-three, be, and the same is hereby amended so as to read as follows:

Section amended.

SECTION 1. The annual city election shall be held on the first Tuesday after the first Monday in November in each year, and in the years in which a general election is held the city election shall be held and conducted in connection with such general election and by the same officers. A city election for the election of such officers as are required to be elected at

City election, when held.

When election districts to be divided.

Election districts, how bounded.

that time shall be held on the first Monday of April, eighteen hundred and ninety-seven, and every two years thereafter, in connection with the State judicial election held on the same day. The election districts in the several wards of the city of Detroit as now established shall remain until they shall be changed as provided by this act. It shall be the duty of the common council when any election district shall contain over six hundred and fifty electors to either divide such voting district into two or more election districts, attach a portion thereof to an adjoining district, or redistrict the entire ward or any part thereof in which such election district is located. When a district shall be divided, or the boundaries thereof changed, the common council shall assign the several registrars and inspectors, who were elected at the last preceding election in such district, to the new districts in which they respectively reside, and to appoint a sufficient number of qualified electors of such new districts, who, with the persons so assigned, and a chairman to be designated by the common council, shall constitute the registrars and inspectors of election of such new district. Election districts shall be bounded by ward lines, by streets or alleys, or other well known and established boundary line. Notice of a general re-registration of electors in all new districts will be embodied in the notice of registration required by this act, to be published by the city clerk; and such registration shall be made in the same manner as is provided herein for the new registration directed to be made every fourth year, excepting that the sessions of the board other than in such fourth year shall be held on the same days as the other boards are held in intermediate years, as herein provided.

This act is ordered to take immediate effect.

Approved March 31, 1897.

[No. 385.]

AN ACT to amend section three of act number two hundred and forty-nine of the local acts of eighteen hundred and seventy-one, entitled "An act to incorporate the city of Alpena," approved March twenty-ninth, eighteen hundred and seventy-one, as amended.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section three of act number two hundred and forty-nine of the local acts of eighteen hundred and seventy-one, entitled "An act to incorporate the city of Alpena," approved March twenty-ninth, eighteen hundred and seventy-one, as amended, be amended so as to read as follows:

SEC. 3. The following officers of the corporation shall be elected at the annual city election on a general ticket by the qualified electors of the whole city, [viz.] namely: A mayor, one comptroller, one recorder, one treasurer, who shall be *ex officio* collector, three justices of the peace. In each ward, one supervisor, two aldermen, one member of the board of education and a constable shall be elected. The mayor, treasurer, comptroller and recorder shall be elected biennially and shall hold their offices for two years from the second Monday in April of the year when elected and until their successors are elected and qualified. One justice of the peace shall be elected annually, who shall hold his office for three years; each justice of the peace shall be elected for the full term of three years, and shall enter upon the duties of his office upon the fourth day of July next after his election. The term of office of the supervisors shall be for two years from the second Monday in April of the year when elected, and until their successors are elected and qualified. The term of office of members of the board of education shall be three years, commencing on the day of the annual election, herein provided for, and until their successors are elected and qualified: *Provided*, That at the annual election held on the first Monday in April, in the year eighteen hundred and ninety-seven, there shall be elected one member of said board of education in each ward by the electors thereof; the two members elected by the electors of the first and sixth wards of said city shall each hold his office for the term from the time when elected, to the second Monday in April, [A. D.] in the year of our Lord nineteen hundred, and until their successors are elected and qualified; the two members elected by the electors of the second and fourth wards of said city each shall hold their office for the term from the time when elected to the second Monday in April, [A. D.] in the year of our Lord one thousand eight hundred and ninety-nine, and until their successors are elected and qualified. The two members elected by the electors of the third and fifth wards of said city each shall hold their office for the term from the time when elected to the second Monday in April, [A. D.] in the year of our Lord one thousand eight hundred and ninety-eight, and until their successors are elected and qualified: *Provided also*, That at the annual election held on the first Monday in April, in the year one thousand eight hundred and ninety-seven, there shall be elected one supervisor, in each ward of said city by the electors thereof; the supervisor elected by the electors of the second, fourth and sixth wards of said city shall hold their office for the term from the time when elected to the second Monday in April, [A. D.] in the year of our Lord one thousand eight hundred and ninety-nine, and until their successors are elected and qualified; the supervisors elected by the electors of the first, third and fifth wards of said city each shall hold their office for the term from the

Officers to be elected by city.

Ward officers to be elected.

Term of office of city officers.

Justice of the peace, when elected, term of office.

Term of office of supervisors.

Term of office of members of board of education.

Provided.

Provided also.

Terms to be
designated on
the ballot of
electors.

time when elected to the second Monday in April, [A. D.] in the year of our Lord one thousand eight hundred and ninety-eight, and until their successors are elected and qualified. The said terms to be designated on the ballot by the electors, and at each annual election thereafter to be held, one alderman, who shall hold his office for two years, one supervisor and one member of the board of education, to be elected in each ward as vacancies occur in such offices, and one constable, who shall each, excepting said members of the board of education and said supervisors, hold their office for one year, shall be elected in each ward by the electors thereof.

This act is ordered to take immediate effect.

Approved April 1, 1897.

[No. 386.]

AN ACT to confer power and authority upon the common council of the village of Lake Linden to purchase and acquire property and to erect all proper and necessary structures in connection therewith, without as well as within the corporate limits of said village, and to hold and maintain the same, for the sole purpose of supplying said village and the inhabitants thereof with water.

Power and
authority to
acquire a sys-
tem of water-
works.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the village of Lake Linden, in the county of Houghton, shall have and is hereby given power and authority to purchase and acquire by the exercise of the right of eminent domain, grounds, rights, privileges, property and materials, and to erect all proper and necessary structures in connection therewith, outside of as well as within the corporate limits of the village, and to hold and maintain the same for the sole purpose of supplying the village and the inhabitants thereof with water, with all the rights, remedies and privileges conferred and subject to the conditions and regulations imposed upon villages and cities in this behalf by the general laws of this State made and provided: *Provided*, That the question of the raising of the moneys necessary for the purchase or construction of such water works shall first have been submitted to the electors of said village in accordance with the provisions of section four of chapter eleven of act number three of the public acts of Michigan of eighteen hundred and ninety-five, and shall have been carried by a vote of said electors as in said section provided.

Question to be
submitted to
electors.

This act is ordered to take immediate effect.

Approved April 9, 1897.

[No. 387.]

AN ACT to amend act number three hundred and sixty of the session laws of eighteen hundred and seventy-one, being an act entitled "An act to create a fire commission in the city of Detroit," approved March eighteenth, eighteen hundred and seventy-one, as amended by act number three hundred and sixty-four of the local acts of eighteen hundred and seventy-seven, approved May twenty-third, eighteen hundred and seventy-seven, by amending sections eleven, twelve and thirty-five thereof.

SECTION 1. *The People of the State of Michigan enact, That* act number three hundred and sixty of the session laws of eighteen hundred and seventy-one, being an act entitled "An act to create a fire commission in the city of Detroit," approved March eighteenth, eighteen hundred and seventy-one, as amended by act number three hundred and sixty-four of the local acts of eighteen hundred and seventy-seven, approved May twenty-third, eighteen hundred and seventy-seven, be amended by amending sections eleven, twelve and thirty-five thereof, so as to read as follows:

SEC. 11. It shall be the duty of the commissioners to prepare and file with the city controller, on or before the fifteenth day of February in each year, an estimate of the whole cost and expense of providing for and maintaining the fire department of said city, during the next ensuing fiscal year, which estimate shall be in detail, specifying the objects of expenditure, the sums desired for each, and the reasons for the same, which shall be laid by the controller before the common council with the annual estimates. Such estimates, or so much thereof as the common council shall approve, shall be submitted to the approval of the board of estimates of said city, and so much of said estimates as shall be approved by said board of estimates shall be placed upon the general assessment rolls, and shall be assessed, levied and collected the same as other city taxes. Said money, when collected, shall be paid into the city treasury, and shall be styled the "fire commission fund."

SEC. 12. On and after July first, eighteen hundred and ninety-seven, all pay rolls, bills, accounts and claims of every character against the commission, shall, after having been duly audited by the commission, approved by the president and certified and properly vouchered by the secretary of the commission, be transmitted to the city controller, who shall submit the same to the common council with his approval or disapproval. When said pay rolls, bills, accounts and claims shall have been allowed by the common council, the controller shall draw his warrant (warrants) on the city treasurer in

Sections amended.

When commissioners to file estimate with city controller.

Estimate to be in detail.

To be approved by council and placed on assessment roll.

Money when collected, how styled.

When bills, pay rolls, etc., transmitted to controller.

When controller to draw warrants.

Proviso.

payment therefor: *Provided, however,* That no bill, account or claim against the commission shall be audited or allowed by the commission unless the same shall be accompanied with an affidavit of the person rendering the same, that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no off-set exists nor payment has been made on account thereof, except such as are included or referred to in such account or claim: *And provided further,* That the fire commission shall, up to and including June thirtieth, eighteen hundred and ninety-seven, draw their warrant, signed by the secretary and countersigned by the president, directly on the city treasurer in payment of all bills, accounts and claims allowed by the commission, and the city treasurer shall honor and pay said warrants as above provided.

Provided further.

Reports of moneys received, when and where filed.

SEC. 35. The fire commission shall, once each month, file with the city controller and city treasurer a report giving date when, names and amounts of all moneys collected by the fire marshal for permits or certificates, and also of all amounts collected for penalties on information given, or complaints made, by him. They shall also report all moneys received for the sale of fire department property, real estate, horses, old hose, or material of any kind, and shall at the time of filing said report cover all moneys so collected into the city treasury for the credit of the fire commission fund.

This act is ordered to take immediate effect.

Approved April 9, 1897.

[No. 388.]

AN ACT to amend act number four hundred and two of the local acts of the State of Michigan, for the year one thousand eight hundred and ninety-five, being an act entitled "An act to amend section two of act number three hundred and seventy-nine, of the local acts of the State of Michigan," for the year one thousand eight hundred and ninety-one, entitled "An act to provide for the compensation and to prescribe the duties of certain officers of the county of Kent," approved June twenty-sixth, eighteen hundred and ninety-one.

Sections amended.

SECTION 1. *The People of the State of Michigan enact,* That sections one, two and three of act number four hundred and two of the local acts of the State of Michigan, for the year

one thousand eight hundred and ninety-five, approved May eleventh, eighteen hundred and ninety-five, being an act entitled "An act to amend section two, of act number three hundred and seventy-nine, of the local acts of the State of Michigan for the year one thousand eight hundred and ninety-one, entitled "An act to provide for the compensation and to prescribe the duties of certain officers of the county of Kent," approved June twenty-six, eighteen hundred and ninety-one, be and the same are hereby amended to read as follows:

SEC. 2. It shall be the duty of the officers in the foregoing section named, to collect all fees now provided by law, for the performance of duties growing out of their said offices: *Provided*, That before any suit at law or in equity shall be commenced in the circuit court of said county, there shall be paid to the clerk of said court, by the party commencing such suit, the sum of three dollars. And, further, That in all cases where an issue of fact is joined, before trial, or taking evidence therein, there shall be paid to the clerk by the party commencing such suit the further sum of three dollars as a judgment or decree fee: *Provided*, That the judgment or decree fee in the following cases shall be the sum of two dollars, in all default or *pro confesso* cases, the sum of one dollar in all proceedings to remove cloud from title to real estate or for appointment of special guardian, when not contested; the said judgment or decree fee in any of such cases shall be paid to said clerk before hearing or taking evidence therein: (*Provided*, That in all suits at law or upon judgment by default the judgment fee shall be two dollars:) *Provided further*, That in all *ex parte* proceedings not otherwise provided for in this act, the sum of two dollars shall be paid to said clerk, which sum shall be in full of all clerk's fees. If a jury shall be demanded by either party to such suit, such party shall, at the time of making such demand, pay to said clerk the sum of three dollars: *Provided*, That in case both parties demand a jury the clerk shall receive such sum from the party first making the demand only: (*Provided further*, That in all appeal cases there shall be paid to the clerk of said court, at the time of the making of such return, the sum of two dollars, and before trial of such cause in the said circuit court the party bringing said cause into said circuit court upon appeal shall pay a further sum of two dollars as judgment fee: *Provided further*, That in all *pro confesso* cases there shall be paid no stenographer fee upon taking proof in open court, except upon request of complainant for services of a stenographer.) All moneys so received shall be paid by said clerk to the county treasurer, as provided in section three of this act. The sums paid as aforesaid shall be held to be in full of all clerk, entry and jury fees, in any such suit, from the commencement thereof to and including the issuing and return of execution, or other final process. The sum or sums so paid shall be taxed

Officers to collect fees.

Provided.

Fees to be paid clerk of the court.

When jury demanded.

In appeal cases.

Provided further.

Disposition of moneys received by clerk.

as costs of suit in favor of the party paying the same, if he be the prevailing party, in addition to any other costs to which he may be entitled by law.

Acts repealed.

SEC. 3. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Approved April 9, 1897.

[No. 389.]

AN ACT to amend chapter eight by adding thereto three new sections to stand as sections twenty-one, twenty-two and twenty-three of act number three hundred and thirty-three of the session laws of eighteen hundred eighty-nine, approved March thirteenth, eighteen hundred eighty-nine, entitled "An act to incorporate the city of Cheboygan and to repeal an act entitled 'An act to reincorporate the village of Cheboygan in the county of Cheboygan,' approved March twenty-seventh, eighteen hundred seventy-seven."

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That chapter eight of act number three hundred and thirty-three of the session laws of eighteen hundred eighty-nine, entitled "An act to incorporate the city of Cheboygan and repeal an act entitled 'An act to reincorporate the village of Cheboygan in the county of Cheboygan,' approved March twenty-seventh, eighteen hundred seventy-seven," approved March thirteenth, eighteen hundred eighty-nine, be and the same hereby is amended by adding thereto three new sections to stand as sections twenty-one, twenty-two and twenty-three, to read as follows:

Claims against city to be accompanied by affidavit.

SEC. 21. No claim against said city for damages growing out of the negligence or default of said city, or of any officer or employé thereof, shall be audited or allowed, unless it shall be accompanied with an affidavit of the person sustaining such damages, stating the time and place at which, and the cause and manner of sustaining such damage, and the facts connected therewith, and the witnesses, if any present when such damage or injury was received or sustained, and in all claims for damages in consequence of any personal injury, such affidavit shall also state the name of the attending physician, if any, the amount of money, if any, expended for medical attendance, the loss of time and the value thereof, and shall fully describe the nature and extent of the injury received, and the amount of compensation claimed by reason of such damage or injury.

What affidavit to state.

SEC. 22. All claims for damages against the city, growing out of the negligence or default of said city or of any officer or employé thereof, shall be presented to the council in the manner above provided within six months after such damage has been sustained or injury received, and in default thereof shall thereafter be forever barred.

Limit of time
for which
claims may be
presented.

SEC. 23. In any action in any court on any claim whatsoever the claimant shall be required to show that such claim has been duly presented in the manner hereinbefore provided to the council of said city for audit, investigation and allowance, and that said council has had reasonable time to investigate and pass upon it before the bringing of such action.

What claimant
required to
show.

This act is ordered to take immediate effect.

Approved April 9, 1897.

[No. 390.]

AN ACT to allow the village of Yale, in the county of St. Clair and State of Michigan, to borrow money and issue bonds in the sum of ten per cent of the assessed valuation of said village, as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing, constructing and maintaining water works, as provided for in act number three of the session laws of eighteen hundred ninety-five.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful, and the village council of the village of Yale, in the county of St. Clair and the State of Michigan, from and after the passage of this act, is hereby authorized and empowered to borrow on the faith and credit of said village a sum of money not exceeding ten per cent of the assessed valuation of said village, as shown by the last preceding tax roll, for a term not in excess of thirty years from the date of issue, at a rate of interest not exceeding six per cent per annum, payable annually; and to execute coupon bonds of said village therefor in such form as the council of said village may, by a two-thirds vote of all the members elect, determine; and to provide for the payment of the same, which bonds shall in no case be disposed of at less than their par value, and shall be payable at such place or places as said council shall direct.

Authorized to
borrow money.

Limit of
amount.

Term of years.

Interest.

May issue
bonds.

Vote required.

Par value.

SEC. 2. All money borrowed under the provisions of this act shall be applied exclusively for the purpose of purchasing, constructing and maintaining water works as provided for in act number three of the session laws of eighteen hundred ninety-five.

Purposes.

Provision for
payment of
bonds.

Proviso.

SEC. 3. It shall be the duty of said council to provide by tax upon the taxable property or from any fund it may have and not otherwise appropriated, for the payment, as the same shall become due, of the principal and interest upon all bonds issued under authority of this act: *Provided*, That no bonds shall be issued or money borrowed for such purposes until the question shall be submitted to the electors of the village at any regular annual election, or at a special election called for that purpose; and a two-thirds majority of the electors voting at such election, voting therefor, shall decide.

This act is ordered to take immediate effect.

Approved April 9, 1897.

[No. 391.]

AN ACT to repeal act number two hundred ninety-nine of local acts of eighteen hundred ninety-five, entitled "An act to provide for selecting and drawing jurors for the circuit court for the county of Bay."

Act repealed.

SECTION 1. *The People of the State of Michigan enact*, That act number two hundred ninety-nine of local acts of eighteen hundred ninety-five, entitled "An act to provide for selecting and drawing jurors for the circuit court for the county of Bay," be and the same is hereby repealed.

What laws in
force in Bay
county.

SEC. 2. The general statutes of the State of Michigan applying to the return and summoning of jurors in force in the State shall be in force in the county of Bay from and after the passage of this act.

This act is ordered to take immediate effect.

Approved April 9, 1897.

[No. 392.]

AN ACT to amend sections five, nine, ten, eleven and thirteen of act number three hundred and fourteen of local acts of the session laws of eighteen hundred and eighty-five, approved April second, eighteen hundred and eighty-five, entitled "An act to incorporate the public schools of the township of Bangor, Bay county."

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections five, nine, ten, eleven and thirteen of act number three hundred and fourteen of the local acts of session laws of eighteen hundred and eighty-five, approved April second, eighteen hundred and eighty-five, be amended so as to read as follows:

SEC. 5. The said trustees shall meet on the second Monday in July in each year at the township clerk's office and organize by electing one of their members president, who shall hold office for one year and until his successor is elected and qualified, and may at any time fill by a new election any vacancy that may occur in said office, and said board shall also have the power to fill any vacancy that may occur in the office of trustee until the next annual election, and each trustee so chosen shall within ten days thereafter file with the clerk of said board the oath of office as prescribed in section three of this act.

Meetings of trustees.

President, term of office.

Vacancy, how filled.

To file oath with clerk.

SEC. 9. The treasurer of the township of Bangor shall have the keeping of all school, primary and library moneys, and shall not pay out the same without the authority of said board upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president of said board, and the said township treasurer and his sureties shall be holden on his bond for the full amount of all school, primary and library moneys which may come into his hands, the same as for other township funds, and shall annually account to the board of education for the same on the second Monday in July in each year. The township treasurer shall receive no additional compensation for his services as treasurer of said school district, but shall collect and disburse said school, primary and library moneys in the same manner and for a like compensation as other township taxes are collected and disbursed.

Treasurer to have the keeping of all moneys, etc.

Who holden on bond.

To account annually.

Compensation.

SEC. 10. All taxes assessed within said township of Bangor for school purposes shall be set forth in the assessment roll of said township in a separate column, apart and distinct from all other township taxes. The trustees of said school district shall serve without compensation and the clerk of said board shall receive as compensation for his services the sum of forty dollars per annum.

How taxes set forth in assessment roll.

Clerk, compensation of.

SEC. 11. The board of education of said district shall have power and authority to designate and purchase school house sites, erect buildings and furnish same, employ teachers, provide books for district library, to make by-laws relative to taking the census of all children in said district between the ages of five and twenty years, to make all necessary reports and transmit the same to the proper officers designated by law so that said district may be entitled to its proportionate share of the primary school funds and said board shall have lawful authority to make all needful regulations and by-laws relative to visitation of schools, relative to the length of time school shall be kept, which shall not be less than three months in the year, relative to the regulations of schools and the books to be used therein; and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district and the promotion of the

Powers of board of education.

Employment of teachers. Census.

Primary school funds. To make by-laws.

School year.

Books.

Duties of township treasurer.

thorough education of the children thereof, and it shall be the duty of the township treasurer of Bangor to apply for and receive from the county treasurer or other officer holding the same, all moneys appropriated for primary schools and the district library of said district and said board may adopt such by-laws and rules for their own procedure as they deem necessary.

Moneys, how expended.

SEC. 13. No school moneys of said district shall be expended by any member of said board, except when authorized by resolution of said board and no member shall be interested in any contract with said board. Said board of education may also provide free text books for the children of indigent parents or guardians of said district, which books shall be township property and a list of the names of persons to whom such books were furnished and the cost of the same shall by said trustees be placed on file in the office of the township clerk and be open to the inspection of any taxpayer of said district. Any person or persons who shall knowingly violate any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than five dollars and not more than ten dollars or thirty days in the county jail, or by both such fine and imprisonment in the discretion of the court.

To whom may provide free text-books.

Books to be property of township.

Statement of cost of books to be filed with clerk.

Penalty.

This act is ordered to take immediate effect.

Approved April 9, 1897.

[No. 393.]

AN ACT to make townships and cities in Lapeer county primarily liable for the payment of all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to public health, or incurred in preventing the spread of such diseases, where said county is now primarily liable for such payment.

Claims where county is primarily liable to be charged to city or township.

SECTION 1. *The People of the State of Michigan enact, That* hereafter within the county of Lapeer, all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, where said county is now primarily liable for the payment of the same, shall be charged to and paid by the township or city in which the same are incurred, when audited by the township board of the township or common council of the city, and shall be paid by said township or city as the case may be, except as hereinafter provided.

SEC. 2. The board of supervisors of said county shall have power to audit and allow, and order paid by the county, any and all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, whenever in the opinion of a majority of the entire members of said board the township or city primarily liable for such claims, as provided by section one of this act, should be relieved in whole or in part, from the payment of the same.

Powers of board of supervisors to audit and allow claims.

SEC. 3. The board of supervisors of said county shall have full power to examine into the merits of all claims presented to them in accordance with section two of this act, and upon such examination to allow or reject in whole or in part any such claim.

Power to examine claims.

This act is ordered to take immediate effect.

Approved April 9, 1897.

[No. 394.]

AN ACT to authorize the village of Sand Beach in the county of Huron to issue bonds for the purpose of erecting a water works plant.

SECTION 1. *The People of the State of Michigan enact*, That the village council of the village of Sand Beach in the county of Huron, be and it is hereby authorized and empowered to borrow money on the faith and credit of said village and to issue bonds therefor, to an amount not exceeding ten thousand dollars (\$10,000), in addition to the amount allowed to be borrowed by villages under act number three of the public acts of eighteen hundred and ninety-five, for the purpose of erecting water works plants, which money shall be expended for the purpose of constructing and erecting a water works plant in the said village of Sand Beach: *Provided*, That two-thirds of the qualified voters of the said village of Sand Beach voting at a regular or special election in said village shall have voted in favor of such loan.

Amount of bonds.

To be approved by electors.

SEC. 2. Said bonds shall be issued and said water works plant constructed and all other proceedings necessary to be had, shall be had under the provisions of chapter eleven of act number three of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties."

Conditions of issue.

This act is ordered to take immediate effect.

Approved April 9, 1897.

[No. 395.]

AN ACT to detach certain territory from the present township of Plymouth, in Wayne county, and to organize the same into a separate township to be known as the township of Northville, in said county.

Territory described.

SECTION 1. *The People of the State of Michigan enact*, That the lands and territory in the township of Plymouth, in the county of Wayne, described as follows, to wit: Sections one (1) to eighteen, (18) inclusive, be and the same are hereby detached from the township of Plymouth, in Wayne county, and organized into a separate township to be known as the township of Northville, in said county.

Appointment of certain boards.

SEC. 2. The township board of the township of Plymouth, as constituted immediately preceding the passage of this act, shall have the authority, and it shall be their duty, to appoint, both for the said township of Northville and the township of Plymouth as constituted by the provisions of this act, a board composed of four (4) members, which shall act within their respective townships for the first election to be held therein, as a board of registration, board of election commissioners, and board of inspectors of election.

First election.

SEC. 3. The first election, which shall be held on the first Monday in April, [A. D.] in the year of our Lord eighteen hundred and ninety-eight, in said township, and the registration therefor not otherwise provided for herein, shall be conducted under the general laws of the State of Michigan.

Township officers to continue to act.

SEC. 4. All township officers in the said township of Plymouth at the time of the passage of this act shall continue to exercise the duties of their respective offices over all the territory for which they were elected until their successors, in both of the new townships of Northville and Plymouth, are elected and qualified.

Approved April 16, 1897.

[No. 396.]

AN ACT to constitute the president of the village of Essexville *ex officio* member of the board of supervisors of Bay county.

To be member of board after June, 1897

SECTION 1. *The People of the State of Michigan enact*, That from and after the seventh day of June, eighteen hundred ninety-seven, the president of the village of Essexville *ex officio*

shall be, and is hereby constituted a member of the board of supervisors of the county of Bay and he shall attend all the meetings of said board and be entitled to vote upon all matters that may be brought before said board of supervisors, and for attending all such meetings he shall receive the same compensation as is authorized by law to be paid to township supervisors for similar services, to be audited by the board and paid by the county.

This act is ordered to take immediate effect.

Approved April 16, 1897.

[No. 397.]

AN ACT to authorize the township of Arenac, in the county of Arenac, to borrow money upon its bonds for the improvement with stone of certain highways in that township and to appoint a special commissioner to make such improvements.

SECTION 1. *The People of the State of Michigan enact, That* the township board of the township of Arenac, county of Arenac, State of Michigan, shall be and it is hereby authorized and empowered to borrow on the faith and credit of said township and issue its bonds for the sum of ten thousand dollars, to be payable in amounts hereinafter set forth, for the improvement with stone of the hereinafter described highways in said township. Which bonds shall in no case be disposed of for a less sum than their par value.

Limit of amount.

Bonds to be sold not less than par.

SEC. 2. Said ten thousand dollars shall be due and payable as follows: One thousand dollars in ten years from the date of said loan, one thousand dollars in eleven years, one thousand dollars in twelve years, one thousand dollars in thirteen years, one thousand dollars in fourteen years, one thousand dollars in fifteen years, one thousand dollars in sixteen years, one thousand dollars in seventeen years, one thousand dollars in eighteen years, and one thousand dollars in nineteen years from the date of said loan, with interest at the rate of not to exceed six per centum per annum payable semi-annually, and shall be represented by twenty coupon bonds of said township of the sum of five hundred dollars each, said bonds and accompanying coupons shall be in proper form and signed by the supervisor and clerk of said township.

Date of payment and rate of interest.

SEC. 3. Said money shall be borrowed for and expended in the improvement with stone of the following described highways in said township and the making of drains necessary to carry off the water from the same, that it to say: The high-

Highways to be improved.

way commencing at a point where Bridge street intersects Main street in the village of Omer in said township of Arenac and extending northerly on said Main street to where said Main street intersects the Omer and Maple Ridge road, thence northerly on said road to a point where said road intersects the highway on the quarter line running northerly through section ten in said township, thence north on said quarter line to where it intersects the Omer and Maple Ridge road, thence northerly on said road to a point where the said Omer and Maple Ridge road intersects the quarter line running north through section four in said township, thence north on said quarter line to the north township line of said township. And the highway commencing at a point where Bridge street intersects the Main street in the village of Omer in said township, thence extending westerly on said Bridge street to a point where said Bridge street intersects the highway known as the Air Line road, thence southwesterly on said Air Line road to the west line of said township. And the highway commencing at a point where Main street intersects the south side of Bridge street in the village of Omer in said township, thence extending south on said Main street to a point where said Main street intersects Center street in said village of Omer, thence extending east on said Center street to a point where said Center street intersects the quarter line running east and west through the center of section fifteen in said township, thence extending east on said quarter line through sections fifteen, fourteen and thirteen to the east line of said township. And the highway commencing at a point where the quarter line running east and west through the center of said sections fifteen and fourteen intersects the section line running north and south between said sections fifteen and fourteen, thence extending south on said section line between said sections fifteen and fourteen and sections twenty-two and twenty-three to a point where said section line intersects the Bay City and Au Sable State road, thence extending southerly on said State road to the south line of said township. The township board of said township may begin improvements first upon any one of said highways and shall improve only so much and such parts of any of said highway as in their judgment it is necessary to improve with stone, and if after such improvements are made as aforesaid any of the funds arising from the sale of said bonds is remaining in the treasury of said township, the township board may expend the same in improving with stone any other highway or highways in said township: *Provided*, That the township board of said township, may out of said moneys purchase a stone crusher suitable to prepare stone for use upon said highways.

Township
board to direct
improvements.

May purchase
stone crusher.

Special com-
missioner.

SEC. 4. The improvements upon said highways and the purchase of all the material therefor, shall be under the control of the township board. The township board of said township

shall appoint a special commissioner, who shall be an elector of said township and who shall hold his office at the will of said township board, and who shall give a bond to the said township in such sum and with such sureties as the township board may direct, for the faithful performance of his duties under this act. It shall be the duty of such special commissioner to purchase materials for and let contracts for such improvements, to employ men to work upon said highways, to superintend the improvements upon said highways and see that they are improved according to the plans and grades established by said township board and to make a statement of his doings and expenditures weekly to said township board: But no contract for the purchase of materials or for construction shall be binding upon said township until the same is approved by the township board, and said commissioner shall employ no person to work upon said highways who is not an actual resident of said township of Arenac. The compensation of said special commissioner shall be fixed by the township board but shall not exceed one dollar and fifty cents per day.

Duty of

Must employ actual residents.

SEC. 5. Such money shall not be borrowed, nor such bonds issued, unless two-thirds of the qualified electors of said township voting at a special election called for the purpose of voting on such loan, within three months after the passage of this act, shall so direct. And said township board is hereby authorized and empowered to call a special election for the purpose of submitting the question of said loan to the qualified electors of said township, giving due notice thereof, by causing the date, place of voting and object of said election to be stated in written notices, and by posting said notices in five of the most public places in said township and by publishing said notice in any one newspaper printed and published in Arenac county, at least fifteen days before said election.

Question of borrowing to be submitted to electors.

Special election.

SEC. 6. The vote upon such proposition shall be by ballot, either written or printed, or partly written and partly printed. Ballots in favor of such proposition shall be in the following words "For the loan," and ballots against such proposition shall be in the following words "Against the loan." It shall be the duty of the township board to provide at the polls of such election, during the whole time while the same shall be open, a sufficient number of ballots in the form above indicated, and to furnish the same to all electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as in other township elections. Immediately upon the conclusion of such canvass the inspectors of the election shall make and sign a certificate showing the whole number of votes cast upon such proposition, the number for and against respectively, and not later than the third day following said election said inspectors shall endorse upon said certificate the declaration in writing over their signatures

Vote to be by ballot.

Election and canvass, how conducted.

of the result of said election, which declaration and certificate shall then forthwith be filed with the clerk of said township and a copy thereof, certified by said township clerk, shall be by said clerk filed with the clerk of Arenac county.

Disposition of fund.

SEC. 7. All moneys raised by said loan shall be paid into the treasury of said township and called the highway improvement fund. All claims for material, labor or other things necessary in the improvement of said highways shall be paid with orders drawn upon said fund signed by said special commissioner and the clerk of said township of Arenac. And the township treasurer of said township shall pay all of said orders out of said highway improvement fund. In no case shall any of the moneys arising from the sale of bonds under this act be used for any other purpose than the improvement of said highways with stone, except as herein provided. Before any of the said moneys are paid into the treasury of said township, the township treasurer shall give to said township a bond in a penal sum to be fixed by said township board, with sufficient sureties to be approved by said township board, for the proper accounting to said board of all the moneys that shall come into his hands and the faithful performance of all his duties under this act.

Treasurer to give bond.

Assessment and collection.

SEC. 8. In case of the issue of said bonds, it shall be the duty of the supervisor of the said township of Arenac, to assess, and the treasurer of said township to collect in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable thereon, and also any installment of the principal thereof falling due in any one year. The said interest shall be payable by said treasurer after the same shall become due, on presentation to him of the proper coupons, and the said principal shall be payable by said treasurer after the same shall become due, on presentation to him of the proper bonds.

This act is ordered to take immediate effect.

Approved April 16, 1897.

[No. 398.]

AN ACT to authorize the city of Sault Ste. Marie to borrow money to refund certain outstanding indebtedness, and issue bonds therefor.

Limit of bonds.

SECTION 1. *The People of the State of Michigan enact, That the common council of the city of Sault Ste. Marie, in the*

county of Chippewa, shall be and is hereby authorized and empowered to borrow money on the faith and credit of said city and issue bonds therefor to an amount not exceeding thirty thousand dollars (\$30,000) for the purpose of refunding and extending the time of payment of indebtedness of said city, and to provide for the payment of said bonds by tax upon all taxable property of said city.

SEC. 2. Said bonds shall be issued in denominations of one thousand dollars (\$1,000) each, payable twenty years after date, at such place as the common council may determine, with such rate of interest not exceeding five per cent per annum as the said common council shall direct payable semi-annually, and shall be signed by the mayor and controller of said city, and countersigned by the recorder of said city, and negotiated by or under the direction of said common council at not less than par value, and the money arising therefrom shall be appropriated by said common council for the purpose of refunding and extending the time of payment of indebtedness of said city, in such manner as to change but not increase the aggregate indebtedness of the city.

Denomination,
time, rate of
interest.

To be sold not
less than par.

SEC. 3. It shall be the duty of the common council of said city to raise by tax upon all the taxable property in said city, in addition to all other taxes authorized by the charter of said city, such sum or sums annually as may be necessary to provide an interest and sinking fund to pay said bonds at maturity and the interest thereon as it becomes due.

Council to pro-
vide sinking
fund.

This act is ordered to take immediate effect.

Approved March 11, 1897.

[No. 399.]

AN ACT to amend chapter thirty of act number four hundred thirty-four of the local acts of the State of Michigan for the year one thousand eight hundred ninety-five, entitled "An act to incorporate the city of Three Rivers, and to repeal act number one hundred and sixty-one of the session laws of eighteen hundred fifty-five, entitled 'An act to incorporate the village of Three Rivers,' approved February thirteenth, eighteen hundred fifty-five, and all amendments thereto," by adding eight new sections to said chapter thirty to stand as sections two, three, four, five, six, seven, eight and nine.

SECTION 1. *The People of the State of Michigan enact, That* chapter thirty of act number four hundred thirty-four of the local acts of the State of Michigan for the year one thousand eight hundred ninety-five, entitled "An act to incorporate the

Sections added

city of Three Rivers and to repeal act number one hundred and sixty-one of the session laws of eighteen hundred fifty-five, entitled 'An act to incorporate the village of Three Rivers,' approved February thirteenth, eighteen hundred fifty-five, and all amendments thereto," be and the same hereby is amended by adding eight new sections to said chapter thirty, to stand as sections "two," "three," "four," "five," ["six,"] "seven," "eight" and "nine," and to read as follows:

CHAPTER XXX.

May purchase township library.

SEC. 2. The city shall have the power, whenever the council thereof shall deem it expedient, to purchase from the said township of Lockport all interest which the said township has in said library and all books, property and effects pertaining thereto, upon obtaining the consent of the township board of said township to sell the same; the purchase price to be such sum as shall be agreed upon between the city council and the township board of said township: *Provided*, The said purchase price shall not exceed the actual cost of the undivided portion which said township now owns in said property.

Proviso as to cost.

Division of library.

SEC. 3. The city council, instead of purchasing the interest of said township in said library, as hereinbefore mentioned, shall also have power and authority to agree with the township board of said township upon a division of said library, and to divide the same between the city and said township, by and with the consent of the township board; and in case of such division, the part to be retained by the city of Three Rivers shall bear such ratio to the whole library as the assessed valuation of all the property within the limits of said city, liable to taxation, bears to the total assessed valuation of all the taxable property within the township of Lockport, including that within the limits of said city, as appears by the general assessment roll of the said township of Lockport for the year one thousand eight hundred and ninety-five.

Ratio of division.

Price may be paid from general fund.

SEC. 4. In case of the purchase by the city, of the interest of said township in said library, as hereinbefore provided, the amount agreed upon as the purchase price therefor, may be paid from the general funds of said city, in the same manner as other city expenses may be paid.

Control of library.

SEC. 5. If the city council shall purchase the interest of said township in said library, or if said library shall be divided as hereinbefore mentioned, then from the time of such purchase or division, the entire library if such purchase shall be made, and the part retained by the city if said library shall be divided, shall be under the exclusive management and control of the city, acting by and through the board of directors of said library provided for in this chapter, and the said town-

ship of Lockport shall have no further interest therein or voice in reference thereto, and no further right to the use or benefits thereof.

SEC. 6. As soon as such purchase or division shall be made, all members of the board of directors of said library who were or shall be elected by said township by virtue of the first section of this chapter, shall cease to be members of said board; and the library board shall thereafter consist of four members to be elected by the city as provided in said section one, whose term of office shall be the same as therein mentioned; and the said library shall thereafter be under the sole management of such board, and such board shall have all the power and authority which [belonged] belongs by law to the board of directors of said library, in office at the time the city of Three Rivers was incorporated as such. The members of such library board elected by the city under the provisions of said section one shall remain in office until their respective terms of office shall expire and their successors shall be elected and qualified, notwithstanding such purchase or division of said library.

Directors of library.

City directors to retain office.

SEC. 7. After such purchase or division the board of directors of said library shall report its estimate of the amount of money necessary for the support and maintenance of said library to the city clerk, and such money shall be raised by taxation within said city in the same manner as the money for the support and maintenance of said library was raised by taxation in the said township of Lockport previous to the incorporation of the village of Three Rivers as a city.

Estimate for support of library.

SEC. 8. In case of the purchase by the city of the interest of said township in said library, or the division of said library, as hereinbefore provided, the city council shall take from the township board of said township of Lockport an instrument in writing stating such fact and that the same is made in compliance with this act, which instrument shall be in duplicate, signed by at least three members of such township board in their official capacity, one of which shall be filed with the city clerk, and one of which shall be filed in the office of the clerk of the county of St. Joseph; and such instruments or either of them shall be conclusive evidence in all courts, of the facts therein stated.

Instrument of transfer.

Copies to be filed.

SEC. 9. Any action taken by the city council for the purpose of purchasing the interest of said township of Lockport in said library, or for the purpose of dividing the same, as hereinbefore mentioned, shall be expressed by resolution passed in the manner provided in the city charter for passing or adopting resolutions.

Resolution of transfer to be passed by city council.

This act is ordered to take immediate effect.

Approved April 15, 1897.

[No. 400.]

AN ACT to revise and amend the charter of the city of Flint.

INCORPORATION AND CITY BOUNDARIES—WARDS.

Certain territory to constitute city.

Boundaries.

SECTION 1. *The People of the State of Michigan enact*, That the district of country in the county of Genesee and State of Michigan, hereinafter particularly described, is hereby constituted and declared to be a city by the name of "The City of Flint," and subject to the municipal government of said city, said district of country being bounded as follows: Commencing at the northeasterly corner of section two of Smith's reservation, in said county, and running thence northwesterly along the boundary line between sections one and two of said reservation, to the northwesterly corner of said section two; thence southwesterly along the westerly line of said section two to the southwesterly corner thereof; thence along the westerly lines of sub-lots three and eleven of Payne's re-plat of sections three, four and other sections of said reservation, to the Flint river; thence to the northwesterly corner of Glenwood cemetery; thence along the westerly line of said cemetery to the northern wagon road (so called); thence eastward along the north line of said road to a point opposite the northwesterly corner of lot ten of Thayer and Wright's out-lots to the city of Flint; thence across said road to said corner; thence southerly along the westerly line of said lot ten to its intersection with the northerly line of Wright's subdivision of Thayer and Wright's out-lots to the city of Flint; thence easterly on said last named line to its intersection with the division line between sections eight and nine of Smith's reservation; thence southerly along said last named line to the Torrey road (so called); thence eastward along the northerly line of said Torrey road to the west line of town seven north of range seven east; thence southward along said last named line to the south line of the north half of the north half of section nineteen of said town; thence east along said last named line to the west line of section twenty of said town; thence north along the west line of sections twenty and seventeen of said town, to the southeasterly line of said Smith's reservation; thence northeasterly along the southeasterly line of said reservation to the easterly corner thereof; thence northwesterly along the [northeasterly] southeasterly line of said reservation to the south line of Kearsley street or road, as shown by the recorded plat of Walker's addition to the city of Flint; thence easterly along the south line of said Kearsley street to its intersection with the south line of Burton street; thence across Burton street to the intersection of the north line thereof with the east line of Maple street; thence along the east

line of said Maple street to Poplar street; thence across said Poplar street at right angles to the north side thereof; thence along the north line of said Poplar street to the south line of the Richfield road (so called); thence northeasterly along the southeasterly line of said Richfield road, to a point opposite the easterly corner of Thayer and Stewart's addition to the city of Flint; thence across said road to said corner; thence westerly along the northerly line of said addition, to the Flint river, and thence to the place of beginning.

SEC. 2. The freemen of said city, from time to time, being inhabitants thereof, shall be and continue to be a body corporate and politic by the name of "The City of Flint," and by that name they shall be known in law, and shall be capable of suing and being sued, and of prosecuting and defending all suits; they may have a common seal, which they may alter at pleasure; and shall be capable of purchasing, holding, conveying and disposing of real and personal estate for the use of said corporation.

Citizens made
body corporate.

SEC. 3. Said city is hereby divided into four wards, as follows, viz: The first ward shall embrace all that portion of the city lying north of the middle of Flint river; the second ward shall embrace that portion of the city south of the middle of Flint river and east of the center line of Saginaw street and Saginaw road; the third ward shall embrace that portion of the city south of the middle of Flint river, west of Saginaw street and Saginaw road, and east of the west line of the Fentonville road and the middle of the Thread creek north of said road; the fourth ward shall embrace that part of the city west of the third ward and south of the middle of Flint river.

Divided into
wards.
First ward.
Second ward.

Third ward.

Fourth ward.

ELECTORS AND REGISTRATION.

SEC. 4. The inhabitants of said city having the qualifications of electors under the constitution of the State, and no others, shall be electors therein.

Who to be
electors.

SEC. 5. Every elector shall vote in the ward where he shall have resided during the twenty days next preceding the day of election and in the voting precinct in which he resides. The residence of any elector, not being a householder, shall be deemed to be in the ward and voting precinct in which his regular place of lodging is located.

Residence a
qualification
for voting.

SEC. 6. The boards of registration in the several voting precincts of the city at their sessions previous to the general election in November nineteen hundred, shall make a re-registration of the qualified electors of the respective voting precincts in books of the form provided by law. The same rules shall be observed in such registration as are provided by general law for the registration of electors in cities; and a like re-registration of the electors of each voting precinct shall

Re-registra-
tion, when
required.

Effect of new
registration.

be made at the session of the board next preceding the general election in November of each fourth year thereafter. In the meantime and until such re-registration shall be made, the registration made in the year eighteen hundred and ninety-six shall be and remain in full force, except as the same shall be from time to time modified by the changes made therein at the regular meetings of said boards next preceding an election. When a new registry of electors shall be made, the former registry of electors shall not thereafter be used nor shall any person vote at any election in such voting precinct after such registration, unless his name shall be registered. Notice that such registration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made.

Board of
registration to
meet, when.

SEC. 7. On the Tuesday and Wednesday next preceding a general fall election, and on the Wednesday next preceding the day of the regular city election, or any special election, and on such other days as shall be appointed by the council not exceeding three days in all, previous to any such election, the several boards of registration for the city, except as in this act otherwise provided, shall be in session at such places in their several precincts as shall be designated as hereinafter provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the lists of the qualified voters, during which session it shall be the right of each person then actually residing in the voting precinct, and who at the then next approaching election may be a qualified elector, whose name is not already registered, to have his name entered in the registry of such voting precinct. On the Saturday before each general or city election there shall be a session of the several precinct boards of registration at the common council rooms in said city from eight o'clock in the forenoon until eight o'clock in the afternoon for the purpose of comparing, correcting, and completing the several precinct lists. At such session the presence of two members of each precinct board of registration shall be necessary to constitute a quorum. Applicants for registration being duly qualified electors, may register at such session, and the names of electors who have died or removed since the preceding election shall be erased with red ink with the remark "dead" or "removed," with the date of erasure. If the name of any elector shall be erased by mistake, such elector may be registered on the day of election on his taking the oath provided therefore by the general statute.

Precinct boards
to meet in joint
session.

Quorum.

Who to com-
pose precinct
board of reg-
istration.

SEC. 8. The board of registration of each precinct shall be composed of two persons, the aldermen of each ward containing but one voting precinct shall constitute the board of registration therein. In the several wards containing two voting precincts, the council shall assign the aldermen of said wards, one to be a member of such board in each precinct

thereof, and shall complete such board by appointing an elector of said precinct, not a member of the same political party with the aldermen so appointed for the other member of said board, to the end that such board may be non-partisan. The notices of the time and place of registration in the several voting precincts shall be given by the council who shall fix the same at least three weeks before the first session of said boards for every election, and the city clerk shall cause such notices to be duly posted in the several ward precincts at least two weeks before said first session. Except as otherwise herein directed, the manner and detail [of] or registration of electors in the several precincts shall be as provided by general statute for the registration of electors in cities: *Provided*, That in giving notice of registration for a special election, it shall not be necessary to print the names of the electors then duly registered. The number of voting precincts shall continue as now established, but the council may change the boundaries thereof at their discretion. Vacancies in said boards arising from any cause shall be filled by the council. The members of said boards of registration shall receive two dollars per day for each day's service thereon as compensation.

To be non-partisan.

Names not printed for special election.

OFFICERS AND ELECTIONS.

SEC. 9. The annual election under this act shall be held on the first Monday of April in each year, at such place in each of the several voting precincts as the common council shall designate. Notice of such election shall be given by the city clerk in the official paper of the city at least eight days before the election. At such election there shall be chosen in and for said city the following officers, to wit: One mayor, one city clerk, one treasurer, one city attorney, one marshal, one health officer, and one justice of the peace. The mayor, city clerk, treasurer, city attorney, marshal, and health officer shall be elected and hold their several offices for one year and until their successors shall be elected and qualified. The justice of the peace shall hold his office for four years, from the fourth day of July next following his election. There shall also be elected at the same time and upon the same ticket in and for each of the wards of said city, one supervisor, one alderman, one member of the board of review, and one constable. The supervisor and constable shall hold their offices one year, and until their successors shall be elected and qualified. The aldermen and members of the board of review shall hold their offices for two years and until their successors shall be elected and qualified: *Provided*, That at the charter election in the year eighteen hundred and ninety-seven one member of the board of review shall be elected in each ward, those chosen in the first and third wards to hold their offices for two years, and those chosen in the second and

Annual election.

Officers to be chosen.

Ward officers.

As to election of 1897.

Vacancy, how filled.	<p>fourth wards to hold their offices for one year. Thereafter one member of said board of review for each odd-numbered ward in each odd-numbered year, and one member from each even-numbered ward in each even-numbered year, to hold office for two years. If at the time of the said annual election there shall be a vacancy in any of said offices it shall be filled at said election for the remainder of the unexpired term, upon the same ticket, but the name of the candidate therefor shall be designated by the word "vacancy" following. The treasurer shall not be eligible to hold office longer than two in any consecutive years.</p>
Special elections.	<p>SEC. 10. The common council may order special elections to be held to fill vacancies; in such case notice thereof shall be given by the clerk in the official paper of the city for the same length of time as for [a] general election.</p>
Inspectors of election, who, and how appointed.	<p>SEC. 11. Previous to each annual charter election the common council shall appoint three inspectors of election for each voting precinct to hold office for one year. The supervisor and aldermen of each ward shall always be inspectors of election when not disqualified, and shall be assigned by the council to the voting precinct in which [they] the shall act, and one of them shall always be assigned to each voting precinct. The several boards of inspectors shall be completed by appointment of competent electors residing in the precinct in which they are to act, and not more than two members of each of said boards shall belong to the same political party. At any election in case of the absence of one or more of such inspectors, the electors present may choose <i>viva voce</i> from their number one or more to fill such vacancies. The members of such board shall take the constitutional oath which may be administered by either of said inspectors or by any justice of the peace. They may at each election appoint two clerks to assist them in conducting the election, not more than one of whom shall belong to the same political party with the majority of the board. The manner of conducting all elections and canvassing the votes, and the qualifications of electors in the several voting precincts, except as otherwise herein provided, shall be the same as that of townships, the words "voting precinct" instead of "township" being used in the oath to be administered to an elector in case his vote shall be challenged. At such charter election, the said precinct inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled, in and for the said city, and also one certificate of votes given for each person for the several offices to be filled in and for their wards, which certificate shall be immediately filed in the office of the clerk of said city, and upon the Thursday next following the day of said election, at two o'clock p. m., the common council shall meet in the council room to canvass said returns, which said clerk shall thereupon lay before them. They shall then and there</p>
Clerks of election.	
Council to canvass returns.	

determine who, by the greatest number of votes given in the several precincts at such election, are duly elected to fill the respective city offices, and also, who by the greatest number of votes given in each ward at such election, are duly elected to fill the respective ward offices, and it shall be the duty of said clerk immediately after such determination, to cause notice to be given to each of the persons so elected, of their election, either personally or by mail. Each of said officers so elected and notified shall within ten days thereafter, take and subscribe the constitutional oath of office before some person authorized to administer oaths and deliver the same to the said clerk, who shall file it in his office. Said clerk shall also make a certificate of the election of the justice or justices, and cause it to be delivered to the county clerk in the same manner as is required of township clerks. In case two or more persons shall receive for any office an equal number of votes and a plurality of the votes given at such election, the common council shall immediately proceed to determine, by lot between the persons so receiving the highest number of votes, which shall be considered elected to such office. The terms of office of said city and ward officers (except justice of the peace) shall commence on the next day after such canvass and decision. In case any of the officers so elected shall neglect, for the term of ten days after being notified, to qualify as aforesaid or to give the required security, the office shall thereby become vacant.

When officers
elect to file
oath.

SEC. 11. The said precinct boards of inspectors of election shall after concluding the canvass of the votes at the general election held during their term make and file certificates of the number of votes cast at such election for the different candidates as provided by general law.

Certificates
to be filed.

SEC. 12. There shall also be a board of public works to be appointed and confirmed as hereinafter provided, and such other officers as the common council may deem necessary and by ordinance provide for. No person shall be eligible to any office in said city unless he shall then be an elector and resident thereof, nor shall any person be eligible to any office for any ward unless he shall then be an elector and resident of such ward. If any officer shall cease to be a resident of the city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. Resignations by any officer authorized to be chosen or appointed by this act, shall be made to the common council.

Board of public
works.

Eligibility to
office.

Resignations.

DUTIES AND COMPENSATION OF OFFICERS.—MAYOR.

SEC. 13. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council and shall from time to time give the council information concerning the affairs of the corporation, and recommend such meas-

Duties.

ures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, and see that the laws relating to the city, and the ordinances and regulations of the council are enforced.

Powers.

SEC. 14. The mayor shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

Idem.

SEC. 15. The mayor, by and with the consent of the council, by a majority vote of the aldermen elect, may remove any officer or member of any board appointed by him at any time whenever he shall deem it for the best interest of the city, and may suspend any policeman for neglect of duty. He shall have the authority at all reasonable times to examine and inspect the books, records, and papers of any agent, employé or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

Who to act in
absence of
mayor.

SEC. 16. In the absence or disability of the mayor, or in case of any vacancy in his office, the president *pro tempore* of the council shall perform the duties of mayor during such absence, disability or vacancy.

ALDERMEN.

Duties.

SEC. 17. The aldermen of the city shall be members of the council and attend the meetings thereof, and act upon committees, when thereunto appointed by the mayor or council. They shall be conservators of the peace and as such they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city.

CITY CLERK.

Duties and
powers.

SEC. 18. The city clerk shall keep the corporate seal, and all the documents, official bonds, papers, files, and records of the city, not by this act or the ordinances of the city entrusted to some other officer; he shall be clerk of the council and of its committees; shall attend its meetings, record all its proceedings, ordinances and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify under the seal of the city, copies of the papers and records filed and kept in his office, and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be; he shall possess and exercise the powers of a township clerk, so far as the

same are required to be performed within the city, and he shall have authority to administer oaths and affirmations.

SEC. 19. The clerk, except as herein otherwise provided, shall be the general accountant of the city; and all claims against the corporation shall be filed with him for adjustment, and after examination thereof, he shall report the same with all accompanying vouchers and counter-claims of the city, and the true balance as found by him, to the council or proper committee thereof, for allowance, and when allowed by the council, shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made, and take proper receipts therefor, but no warrant shall be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised or appropriated, the clerk shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised or appropriated, and the amounts thereof to be credited to each fund.

To be general
accountant.

To report tax
levy to treasurer.

SEC. 20. The clerk, [except] as herein otherwise provided, shall exercise a general supervision over all officers charged in any manner with the receipt, collection, and disbursement of the city revenues and over all the property and assets of the city; he shall have charge of all books, vouchers, and documents relating to the accounts, contracts, debts and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation and all its departments, funds, resources and liabilities with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the warrants drawn thereon, keeping a separate account with each fund; when any fund has been exhausted, the clerk shall immediately advise the council thereof.

To have supervision of
certain officers.

To keep books
showing financial
condition of city.

SEC. 21. The clerk, except as herein otherwise provided, shall report to the council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require.

To report to
council when
required.

SEC. 22. The clerk may, subject to the approval of the council, by a majority vote of the aldermen elect, appoint a deputy, who shall possess all the powers and authority of the city clerk, and may exercise all the duties thereof, subject to the control of such clerk, and such deputy shall be paid for his services by the clerk unless otherwise provided by the

May appoint
deputy.

council. The clerk shall be responsible for all the acts and defaults of such deputy, and may remove him at pleasure.

TREASURER.

Duties and powers.

SEC. 23. The treasurer shall receive all moneys belonging to the city and school district and shall receive all taxes of the city levied by order or authority of the council or board of education, except as herein otherwise provided. The treasurer shall also collect all rents, interest, claims, and dues to said city, arising from rentals, leases, sales of property, or claims of any other nature whatever, not herein otherwise provided for. He shall hold all bonds, notes, mortgages and other evidences of debt or value belonging to said corporation. He shall deposit the moneys of the city under the direction of the council, and shall keep an accurate account of the same and of all receipts and expenditures thereof, and with every fund or appropriation thereof, made by this act or by the authority and direction of the council.

How money to be paid out.

SEC. 24. The treasurer shall pay no money out of the treasury except by authority of law, or in satisfaction of warrants drawn by order of the council, signed by the city clerk and countersigned by the mayor, or of coupons and bonds regularly and lawfully issued by such city; or, in case of school moneys, on orders drawn by the president and secretary of the board of education. He shall keep an accurate account of, and report to the council once in each month, or oftener if desired by the council, a detailed statement of all taxes collected and money received, as well as moneys disbursed by him, a copy of which report shall be filed with the city clerk, and at the end of every quarter, shall make a full settlement with the city clerk and finance committee of the common council, producing the vouchers of all transactions, which vouchers shall be cancelled by said committee, and the result of said settlement reported to the council for their approval.

How bonds to be paid.

SEC. 25. All bonds and all coupons shall be paid out of the particular funds constituted or raised for the purpose for which the same are issued, and warrants shall be paid only out of moneys in the funds against which the same are drawn, as written upon the face thereof. The treasurer shall keep a public office where the books and accounts in his charge, belonging to the city, shall be open to the inspection of any tax payer of said city, at reasonable hours in any week day, and where all bonds, coupons, and warrants shall be presented for payment, and the treasurer shall not discriminate as to parties holding bonds, coupons, warrants, or other lawful demands, and shall pay them only when presented at his office, unless a different place be named in such bond or

Books to be open to inspection.

other demand. The treasurer shall collect all the State and county taxes assessed and imposed upon the real and personal property of said city, and also all city, highway, sewer and school taxes, and all such special taxes as may be from time to time levied by the council for the improvement of streets, the construction of sidewalks, or any other purposes authorized by this act or the laws of this State, the roll for which may be placed in his hands for collection by any proper officer of said city; and the warrant of the mayor and clerk of said city shall confer full power and authority upon said treasurer to collect by levy and sale, all the taxes set forth upon any general or special roll so placed in his hands, the same as warrants made by supervisors of townships under the laws of this State, and such treasurer shall give receipts for all taxes collected by him, and mark the same paid upon the proper rolls, and shall, on the first Monday of each month or oftener if required by the council, deposit with the city clerk a detailed statement of all the collections so made, and shall make due returns of all rolls and the uncollected taxes thereon, as required by the warrant of the mayor and clerk, the provisions of this act and the laws of this State: *Provided*, That the returns of all State and county taxes shall be made direct to the county treasurer of Genesee county. The city treasurer shall appoint one or more deputy treasurers, subject to the approval of the council, by a majority vote of the aldermen elect. Such appointment shall be in writing, and shall be filed with the clerk; such deputy shall have all the power and authority of the city treasurer, subject to the control of such treasurer, and the treasurer shall be responsible for all such acts of his deputy, and shall pay him for his services unless otherwise provided by the council. Such deputy or deputies may be removed by the treasurer at will the treasurer at will. The treasurer shall obey all the orders and resolutions of the council not inconsistent with the provisions of this act, and shall turn over to his successor in office, all moneys, books, papers and property of every kind and description due and belonging to such city on demand.

To collect all taxes.

Shall appoint deputies.

SEC. 26. The city treasurer shall receive from the county treasurer for the use of union school district of the city of Flint, all school and library moneys coming to his hands to which the district shall be entitled; and for that purpose such school district shall be considered, under the laws relating to the distribution of primary school and library moneys, the same as a township. Said city treasurer shall keep an account of all the school and library moneys of the district in such manner as the board of education may require, and account therefor to said board whenever they shall direct. He shall pay out no moneys of the district except upon such warrants or vouchers as the board of education shall prescribe.

To receive school moneys.

Public moneys
to be kept
separate from
private funds.

SEC. 27. The city treasurer shall keep all moneys in his hands belonging to the city and to the public schools, separate and distinct from his own money, and he is hereby prohibited from using either directly or indirectly, the corporation moneys, warrants, or [evidences] evidence of debt, or any of the school or library funds in his custody or keeping, for his own use or benefit or that of any other person. Any violation of this section shall subject him to immediate removal from office by the council, and the council is hereby authorized for such cause to declare the office vacant, and to appoint his successor for the remainder of his term.

CITY ATTORNEY.

Qualifications
and duties.

SEC. 28. The city attorney shall be an attorney and counselor at law, of at least five years standing and admitted to practice in all the courts of the State, and in addition to the other duties prescribed in this act, shall be the legal adviser of the council and of all officers and boards of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute all offenses against the ordinances of the city.

MARSHAL.

To give bond.

Duties.

SEC. 29. The marshal before entering upon the duties of his office, shall give such security for the faithful performance of his duties as the common council shall direct and require; he shall be chief [of the] police of the city, and shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the common council made for the preservation of the quiet and good order, and for the safety and protection of the inhabitants of the city, are promptly enforced, and when he shall know or learn of the violation of any ordinance of the city or penal statute of the State, it shall be his duty to enter complaint before some justice of said city, and to do whatever is necessary to bring the offender to justice. He shall suppress all riots, disturbances, and breaches of [the] peace, and for that purpose may command the aid of all citizens in the performance of such duty. He shall arrest all disorderly persons in the city, and pursue and arrest any person fleeing from justice in any part of the State. He may arrest upon view and with or without process, any person found in the act of committing any offense against the laws of the State or the ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial.

To report to
council
monthly.

SEC. 30. The marshal shall report in writing and on oath, to the common council at their first meeting in each month, all arrests made by him and the cause thereof, and all per-

sons discharged from arrest during the month; also the number remaining in confinement for breaches of the ordinance of the city, and the amount of all fines and fees collected by him. All money collected by the marshal for fines, fees or for any services performed by him in any official capacity, unless otherwise directed by this act, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be [filed] filled with the city clerk.

SEC. 31. The marshal shall not leave the city without the consent of the mayor, except in the pursuit of fugitives from justice, or for the arrest of persons charged with a violation of the city ordinances. In the absence of the marshal, or his inability to serve, the mayor may designate any policeman or constable to perform his duties. No salary shall be allowed to the marshal when so absent, unless he be absent on city business.

Not to absent
himself from
city.

HEALTH OFFICER.

SEC. 32. The health officer, in addition to the other required qualifications, must be a practicing physician and duly registered as such in the office of the county clerk, as required by law. He must also be a graduate of some reputable medical college. His duties shall be such as are or may be required of him by general law, by this act, and by the ordinances of the city.

Qualifications.

JUSTICES OF THE PEACE.

SEC. 33. The justices of the peace of the city of Flint elected under the provisions of this act, shall have and exercise therein and within the county of Genesee the same jurisdiction and powers in all civil and criminal matters, causes, suits, and proceedings, and shall perform the same duties in all respects, so far as the occasion may require, as are or may be required or conferred upon the justices of the peace by the general laws of the State. They shall also have jurisdiction in all civil cases within the jurisdiction of justices of the peace when either of the parties shall reside in the county of Genesee. They shall have power and authority to inquire into, hear, try and determine all suits or prosecutions for the recovery or enforcing of fines, penalties and forfeitures imposed by the ordinances of the city, and to punish offenders for violation of such ordinances as in the ordinances prescribed and directed; and all actions for encroachments upon or injury to any of the streets, lanes, alleys, bridges, parks, buildings, fences, gates or any other public or private improvement within said city; to take recognizances for good behavior, for the appearance of the person charged, and upon appeal; and to commit to prison as occasion may lawfully

Jurisdiction
and powers.

To give bond
to city.

require. Each justice of the peace of said city, in addition to any other security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the city in the penalty of five hundred dollars with sufficient sureties, to be approved by the common council, conditioned for the faithful performance of the duties of justice of the peace within and for said city, and to pay over to the city treasurer all moneys collected by or paid to him for the city, which bond shall be filed in the office of the city clerk.

SUPERVISORS.

To make assessment
rolls.

SEC. 34. The supervisor of each ward shall annually estimate the value of all the taxable real and personal property in his ward and make the assessment roll at the time and in the manner provided for supervisors of townships, and file it with the city clerk on or before the third Monday of May in each year. In regard to the making of such assessment roll, he shall have all the powers and duties conferred by general law upon the supervisors of townships, but shall have no duties relative to the equalization of city rolls or extension of taxes.

To be member
of board of
supervisors.

He shall also be a member of the board of supervisors of Genesee county, and represent his ward therein, and shall exercise all the powers and perform all of the duties upon such board, that are conferred upon supervisors of townships.

CONSTABLES.

Powers.

SEC. 35. The constables of the city shall have the like powers and authority in matters of civil and criminal nature, and in relation to the service of all manner of criminal process, as are conferred by law upon constables in townships, and

Duties.

shall receive the like fees for their services. The constables of the city shall obey all lawful orders of the mayor, aldermen, and any justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution or regulation of the council, and for any wilful neglect or refusal to perform such duties required of him, every constable shall be subject to a penalty of not less than five nor more than one hundred dollars. Every constable before entering upon the duties of his office, shall give such security for the performance of the duties of his office as is required of constables in townships, or as may be required by the council, and file the same with the city clerk.

To give bond.

COMPENSATION.

SEC. 36. The officers of said city shall receive out of the city treasury the following sums in full payment for all services, viz.: The mayor shall be paid one dollar per annum. The city clerk, city attorney, marshal, health officer and chief of the fire department shall each receive such salary, payable monthly or quarterly as the common council shall by resolution determine. The city treasurer shall receive such fees as shall be provided for collection of taxes and assessments, which shall be in full payment for all services as such treasurer. The supervisors for their services as assessors, shall receive two dollars per day for time actually spent, and the members of the board of review shall receive the same per diem compensation. The aldermen and members of the board of works shall serve without compensation. But it shall be competent for the council at any charter election, to submit to the electors, a proposition that the mayor and aldermen, and the members of the board of works or either of them, receive an annual salary, naming the sum proposed for each, and giving not less than ten days notice of such submission, and if a majority of the votes cast on the proposition favor the salary, such salary shall thereafter be paid. The compensation of all other officers and the members of the police and fire departments shall be as the council shall determine.

Salaries, fees,
etc., of city
officers.

Question of
salary may be
submitted to
electors.

COMMON COUNCIL.

SEC. 37. The mayor and aldermen when assembled together and duly organized, shall constitute the common council of the city of Flint, and a majority of the aldermen shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn the council from time to time. The common council shall meet in regular session in the common council room on the second Monday of each month, and at such other times as it may by rule determine. It may be called together in special session by the mayor, or by the clerk on petition of not less than three aldermen, but shall transact only such business at such special meeting as shall be named in the call, which call shall be in writing and served by the chief of police or one of his subordinates personally upon the aldermen, or by leaving the same at their residence not less than four hours before such meeting is to be held. The mayor shall be president of the council and preside at all meetings when present. At the first regular meeting in May or as soon thereafter as may be convenient, the council shall choose one of their number as president *pro tem.*, who shall preside in the absence of the mayor, and for the time being shall exercise the powers and

What to
constitute.

Regular
session, when.

Special meet-
ings; how
called.

President *pro*
tem.

discharge the duties of the president. He shall always be entitled to vote. The clerk shall not in any case be entitled to a vote in the council. All meetings and sessions of the council shall be in public. No office shall be created or abolished, nor any special tax or assessment be imposed, street alley or public ground be vacated, real estate or any interest therein, sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of all the members elect, nor shall any vote of the council be re-considered at a special meeting unless there be present as many members as were present when such vote was taken. No money shall be expended except by ordinance or resolution of the council, nor shall any resolution be passed or adopted except by a vote of a majority of all the members elect, except as herein otherwise provided. The mayor shall not vote upon any question, but he may disapprove of any ordinance or resolution, provided he shall as soon as the next regular meeting, return the same to the council with his objections in writing, in which case the same shall not take effect unless the council on such return shall by a vote of two-thirds of all the members elect again pass the same; and on such two-thirds vote, such ordinance or resolution shall have the same force and effect as though the same had not been disapproved by the mayor.

Two-thirds vote required for certain purposes.

Mayor not to vote.

Powers of council.

SEC. 38. The council shall be the judge of the election returns and qualifications of its own members. It shall prescribe the rules of its own proceedings and keep a record or journal thereof. All votes on appointments to office and measures incurring expense, and on the adoption of all ordinance shall be taken by yeas and nays and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative. Any one member of the council shall [have] the right to demand the yeas and nays on any question and all votes so given shall be entered at large on the journal. Within one week after any meeting of the council, all the proceedings and votes taken thereat, shall be published in the official paper of the city.

Proceedings to be published.

Powers as to members.

SEC. 39. The council may compel the attendance of its members and other officers of the city at its meetings in such manner, and may enforce such fines for non-attendance as may by ordinance be prescribed, and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member, or any other person present at any session of the council.

Officers to attend meetings of council.

SEC. 40. The city attorney and city marshal shall attend all meetings of the council, and the council may require the attendance of any other city official at any session thereof.

Council to have control of property.

SEC. 41. The council shall have control of the finances and of all the property, real and personal, of the city, except as may be otherwise provided by law. It shall have no control

over school funds. It may provide for the appointment of standing or select committees of its members who shall perform such duties, investigate, have charge of and report upon such matters as may be properly referred to them.

SEC. 42. The council shall by majority vote of a quorum present, audit and allow all accounts and claims chargeable against the city; but no account, claim or contract shall be received for audit or allowance unless it shall be accompanied with a certificate of an officer of the corporation, or an affidavit of the person rendering it, to the effect that he verily believes that the services therein charged have been actually performed, or the property delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief, no set off exists, nor payment has been made on account thereof except such as are endorsed upon or referred to in such account or claim, and every such account shall exhibit in detail, all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city, for personal injuries or otherwise, that it has never been presented to the council for allowance, or if such claim is founded on contract, that the same was presented without the certificate or affidavit aforesaid and rejected for that reason, or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

Auditing of claims.

Claims to be presented to council before suit.

SEC. 43. No member of the common council, shall during the period for which he was elected, be appointed to or be competent to hold any office, the emoluments of which are to be paid from the city treasury, or be paid by fees provided in any act or ordinance of the common council, or be bondsman or surety on any contract or bond given to said city; but this section shall not be construed to deprive any member of any emoluments or fees to which he may be entitled by virtue of his office. No member shall vote upon any measure pending before the council in which he shall have any direct pecuniary interest.

When debarred from holding other office.

SEC. 44. The common council, in addition to the duties specially conferred upon them in this act, shall have power within said city to enact, continue, establish, modify, annul and repeal such ordinances, by-laws, and regulations as they deem desirable within said city for the following purposes:

May pass ordinances for what purposes.

First, To prevent vice and immorality, to preserve public peace and good order, to organize, maintain, and regulate a police of the city, to prevent and quell riots, disturbances and disorderly assemblies, to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

Good order, etc.

Second, To prevent, restrain, and suppress all disorderly houses and places, houses of ill-fame, assignation houses, and

Disorderly houses.

- to punish the keepers thereof and dwellers therein, and all who resort thereto for purposes of prostitution or to associate with prostitutes;
- Gaming.** *Third,* To prohibit, restrain, and prevent persons from gaming for money or other valuable things with cards, dice, wheels of fortune, boxes, machines, or other instruments or devices whatsoever in any saloon, barroom, grocery, store, shop, or in any other place in said city, to punish the persons keeping the place, instruments, devices, or means for such gaming, and to provide for and compel the destruction of such instruments, machines, or other devices whatever used or intended to be used for gaming as aforesaid;
- Spirituuous liquors.** *Fourth,* To prohibit the selling or giving of any spirituous, fermented, or intoxicating liquors to any drunkard or intemperate person, or any minor or apprentice;
- Sabbath.** *Fifth,* To prevent the violation of the Sabbath, the disturbance of any religious congregation, or any other meeting assembled for any lawful purpose;
- Morality.** *Sixth,* To prohibit and prevent in the streets or elsewhere in said city any lewd and lascivious behavior, or any indecent exposure of the person, the show, sale or exhibition for sale of any indecent or obscene pictures, drawings, engravings, paintings, books, or devices, or any written, or printed or other thing containing obscene, scurrilous or scandalous matter, and all indecent or obscene exhibitions and shows of every kind;
- Nuisances.** *Seventh,* To prohibit or prevent any person from bringing, depositing, or leaving within the limits of said city, or within one-half mile distant therefrom, or keeping or having on the premises owned or occupied by them in said city, any dead carcass, putrid or unsound meat, fish, hides, skins, or any article, substance, or thing that is unwholesome or offensive; or the trying or rendering any unwholesome, putrid, or offensive tallow, lard or meats in said city, and to authorize the removal or destruction thereof by some officer of said city; or to compel any person so bringing, depositing, or leaving the same within the limits of said city or within one-half mile therefrom, or having or keeping the same on the premises owned or occupied by them in said city to remove the same; to compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove, or abate the same from time to time as often as they may deem necessary for the health, comfort, and convenience of the inhabitants of said city, and to direct the location of all slaughter houses and markets;
- Explosives; bonfires; fire-works.** *Eighth,* Concerning the buying, carrying, selling, storing, and using of dynamite, gunpowder or other combustible materials, and the exhibition of fire-works, the use of lights in barns, stables, and other buildings, and to regulate or pro-

hibit the discharge of fire-arms within the limits of the city, or the making of bonfires in streets or yards;

Ninth, To prevent and punish horse-racing and immoderate riding in any street or alley, and to authorize the stopping and detaining of any person who shall be guilty of immoderate riding or driving in any street, or alley in said city; Immoderate riding or driving.

Tenth, To provide for or compel cleaning the highways, streets, lanes, alleys, public grounds, crosswalks, and sidewalks of said city, of dirt, filth, snow, and other substances; to prohibit and prevent the encumbering thereof with boxes, signs, posts, and all other materials and things whatsoever, and to remove the same therefrom, and to prevent any encroachments upon any street, and to provide for the removal of such encroachments; to prevent the exhibition of signs upon canvass or otherwise in or upon any vehicle standing or traveling upon the streets or public grounds of said city; to control, prescribe, and regulate the mode of constructing and suspending awnings, and the exhibition and suspension of signs and articles of merchandise therefrom; to prohibit and prevent all practices, amusements, and doings having a tendency to frighten horses and teams, or dangerous to life, person or property; to remove or cause to be removed all walls and other structures that may be liable to fall so as to endanger life or property; to control, regulate, and prescribe the manner in which the highways, streets, lanes, alleys, public grounds and spaces within said city shall be used and enjoyed; to regulate, restrict, or prohibit the use of bicycles, and tricycles upon any and all the sidewalks in the city of Flint, and to limit the speed at which bicycles, tricycles, or any other vehicle propelled by hand, or foot, or both may be used in the streets; Relative to streets.

Eleventh, To determine and designate the routes and grades of any railroad track to be laid in said city, to prevent the changing of such grade at any street crossing without the consent of the council, and to restrain and regulate the use of locomotives, engines, and cars upon the railroads within the city; Railroads.

Twelfth, To preserve the salubrity of the waters of the Flint river and other streams within the limits of said city; to prohibit or regulate bathing therein, and to provide for cleansing the same of drift-wood or other obstructions; to fill up all low grounds or lots covered or partially covered with water within the limits of said city, or to drain the same, as they may deem expedient; Streams and ponds.

Thirteenth, To prohibit, restrain, license, and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other performances and exhibitions for money; Shows and exhibitions.

Fourteenth, To restrain and punish drunkards, vagrants, street beggars, and other disorderly persons; Vagrants, etc.

Labor of prisoners.

Fifteenth, To employ all persons imprisoned for the non-payment of any fine, penalty, forfeiture, or costs, or for any offense under this act or any ordinance of the common council of the city of Flint in a city lock-up or in the jail of Genesee county. at work or labor upon the streets of said city, or any public work under the control of the common council;

Mock auctions.

Sixteenth, To prohibit and suppress mock auctions and every kind of fraudulent game, device, or practice, and to punish all persons managing, using, practicing, or aiding in the management and practice thereof;

Auctioneers.

Seventeenth, To license auctioneers, auctions and sales at auction, to regulate or prohibit the sale of live or domestic animals at auction upon the streets, alleys, or public grounds in said city; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by the manner of public biddings, or offers by the buyer or seller after the manner of auction sales or Dutch auctions, and to regulate the fees to be paid by auctioneers, but no license shall be required in cases of sales required by law to be made at auction or public vendue;

Unwholesome food.

Eighteenth, To prohibit and suppress the sale of every kind of unsound or unwholesome meat, poultry, fish, vegetables, or other articles of food and provisions, and to punish all persons who shall knowingly sell the same or offer or keep the same for sale;

Weights and measures.

Nineteenth, To provide for the inspection and sealing of weights and measures, and enforce the keeping of proper weights and measures by vendors;

Paupers.

Twentieth, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to said city from any other place any pauper or other person likely to become a charge upon said city or on the public, and to punish therefor;

Burial of strangers.

Twenty-first, To provide for the burial of strangers and poor deceased persons;

Cemeteries.

Twenty-second, To protect and regulate all public graveyards within the city limits, or adjacent thereto, belonging to said city, and all grounds procured, or that may be procured, for the purpose of public burial, and to compel the keeping and returning of bills of mortality; and may cause the same to be vacated, and the remains of persons buried therein to be removed, under such restrictions and regulations as they may prescribe: *Provided*, No burial grounds shall be vacated until the question of vacating the same shall be submitted to and approved by a vote of the electors of said city, at some special election to be held at such time, and conducted in such manner as the common council shall prescribe;

Proviso.**Parks.**

Twenty-third, To provide for public parks and squares, make, grade, improve, and adorn the same; to care for all grounds in said city belonging to, or under the control of said city, and

regulate and use the same consistently with the purposes and objects thereof;

Twenty-fourth, To regulate and establish the line upon which buildings may be erected upon any street, lane or alley of said city, and to prevent such buildings being erected nearer the street than said line; Street lines.

Twenty-fifth, To establish, order, and regulate the markets, and to prohibit forestalling the same; to regulate the vending of wood, meats, vegetables, fruits, fish, and provisions of all kinds, and prescribe the time and place for selling the same; Public markets.

Twenty-sixth, To establish or regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine, or other animals, geese, and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding; Pounds.

Twenty-seventh, To prevent or regulate the running at large of dogs; to impose taxes on the owners of dogs, and to prevent dog fights in the streets; Dogs.

Twenty-eighth, To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets; Bells; street noises.

Twenty-ninth, Concerning the lighting of the streets and alleys, and the protection and safety of public lamps; Street lighting

Thirtieth, To establish, regulate, and preserve public reservoirs, wells, and pumps; to provide an adequate supply of water for fire purposes, for lawn and street sprinkling, and also of water fit for domestic use, and to prevent the waste of water; Water.

Thirty-first, To adopt rules and regulations for cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters, and chimney sweeps, and their fees and compensation, and the fees to be paid by them into the city treasury for license; Cartmen, drivers, chimney sweeps.

Thirty-second, To prevent runners, stage drivers, and others from soliciting passengers or others to travel or ride in any stage, omnibus, or railroad, or to go to any hotel or other-whereas; Soliciting passengers.

Thirty-third, To regulate and restrain hawking and peddling in the streets, and to regulate pawnbrokers; Peddlers and pawnbrokers.

Thirty-fourth, To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay, and produce exposed for sale in said city, and to regulate the sale thereof; Carriage stands; rates of fare.
Wood, hay, etc.

Thirty-fifth, To prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law; Bonds and sureties.

Thirty-sixth, To prescribe the powers and duties of all the officers of said city, except as herein otherwise provided, and Powers and duties of officers.

their compensation, and the fines and penalties for their delinquencies;

May enact ordinances for good of city.

Thirty-seventh, And further, they shall have authority to enact all ordinances, and to make all such regulations consistent with the laws and constitution of this State, as they may deem necessary for the safety, order, and good government of said city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation for any purpose whatever. For the purpose of carrying into effect the powers conferred by this section, the common council shall have power to prescribe in any by-law or ordinance made by them, that the person offending against the same shall forfeit and pay such fine as they shall deem proper, not exceeding one hundred dollars, or be imprisoned in the county jail or city lock-up for a term not exceeding three months or by both such fine and imprisonment in the discretion of the justice or court that shall try the offender: *Provided*, The right of trial by jury, when demanded, shall in all cases be preserved, and also the right of appeal, according to the general laws of this State.

Exclusive rights not to be granted.
Limit of penalty imposed.

Right of trial by jury preserved.

Style of ordinances.

SEC. 45. The style of all ordinances shall be, "The City of Flint ordains." All ordinances shall require for their passage, the concurrence of a majority of all the members elect, and shall be recorded in the proceedings of the council as passed. The time when any ordinance shall take effect shall be prescribed therein; such time when the ordinance imposes a penalty shall not be less than one week from the date of its publication as herein provided.

When to take effect.

Powers of council as to penalties.

SEC. 46. Whenever by the provisions of this act, the common council shall be authorized to pass ordinances for any purpose, it shall have power to determine by ordinance the punishment of all persons convicted of any violation of the same, by imprisonment at hard labor or otherwise, and they may prescribe fines, imprisonments, penalties and forfeitures for the violation of the same, not exceeding one hundred dollars, or imprisonment not exceeding ninety days, or both in the discretion of the court. Such imprisonment may be in the common jail of Genesee county, in the city lock-up, or in the Detroit House of Correction. The fine, penalty or imprisonment for the violation of any ordinance, shall be prescribed therein, and during such imprisonment all such offenders may be kept at hard labor. And they may also be kept at hard labor during all the time they are imprisoned in default of the payment of any fine imposed for the violation of such ordinance.

Prisoners may be required to labor.

Mayor to approve ordinances.

SEC. 47. Within five days next after the passage of any ordinance, the clerk of the common council shall present the same to the mayor or other person performing the duties of the mayor, for his approval. No ordinance shall be of any force

without the written approval of the mayor or other person performing for the time being, the duties of his office, unless he omit to return it to the clerk of the common council with his objections thereto within ten days after its presentation to him, in which case it shall be deemed regularly enacted. If after the return of the ordinance with the objections thereto, as aforesaid, the same shall be passed or re-enacted by a vote of two-thirds of all the aldermen elect of the common council, the ordinance shall be deemed regularly enacted, and the time of its re-enactment shall be deemed the time of its passage.

When veto of
mayor is filed.

SEC. 48. At the time of presenting any ordinance to the mayor for his approval, the clerk of the common council shall certify thereon and also in the journal or record of the proceedings of the council the time when the same was presented, and shall also certify thereon, and in such journal or record, the time of the return of such ordinance, whether approved or with objections, and shall at the next meeting of the common council report any ordinance returned with objections thereto.

Clerk to certify
ordinance.

SEC. 49. All ordinances when approved by the mayor, or when regularly enacted, shall be immediately recorded and indexed by the clerk of the common council in a book to be called "the record of ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

"Record of
ordinances."

SEC. 50. Within one week after the approval or final passage of any ordinance, the same shall be published in the official paper of the city, and the clerk shall immediately after such publication, enter on the record of ordinances in a blank space to be left for such purpose under the recorded ordinance, a certificate stating on what date such publication was made, and sign the same officially, and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made.

Ordinance to be
published.

Evidence.

SEC. 51. In all courts having authority to hear, try or determine any matter or cause arising under the ordinances of said city, and in all proceedings in said city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of the ordinances of the city, and whenever it shall be necessary to prove any of the laws, regulations or ordinances of said city, or any resolution adopted by the common council, the same may be read in all courts of justice and in all of the proceedings: First, from a record thereof kept by the city clerk in the record of ordinances; second, from a copy thereof, or of such record thereof, certified by the city clerk under the seal of the city; third, from any volume of ordinances purporting to have been written or printed by the authority of the council. All ordinances in force at the time of the passage of this act, by virtue of the

Courts to take
cognizance of
passage of
ordinances.

Existing ordi-
nances contin-
ued in force.

act of which it is a revision and amendment, shall continue in force, except such parts thereof as may be in conflict with this act, until modified or repealed by the common council, and may be proved as provided in said former act.

ENFORCEMENT OF ORDINANCES.

Warrants;
style of.

SEC. 52. Whenever any person shall be charged with having violated any of the by-laws or ordinances of the city, by which the offender is liable to imprisonment, any justice of the peace residing in said city to whom complaint shall be made in writing, and on oath shall issue a warrant directed "to the city marshal or any policeman of the city of Flint" commanding him in the name of the people of the State of Michigan forthwith to bring the body of such person to be dealt with according to said laws or ordinances of city, and the marshal or policeman to whom said warrant shall be delivered for service is hereby authorized and required to execute the same in any part of the State where such offender may be found under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process, and the proceedings relating to the arrest and custody of the offender's pending trial, the pleadings and all proceedings and the rendition of judgment and the execution thereof shall, except as otherwise provided in this act be governed by and conform as nearly as may be to the provisions of law relating to proceedings in criminal causes cognizable by a justice of the peace under the general laws of this State.

Who to serve.

Proceedings on
trial.

Expenses, how
paid.

SEC. 53. The [expenses] expense of apprehending, examining, trying and committing offenders against any law of this State, in the said city, and of their confinement, shall be audited and allowed and paid by the supervisors of the county of Genesee. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city and shall be governed in amount by the laws of the State in relation to fees of justices of the peace, sheriffs, constables, and witnesses in civil and criminal cases. But all costs collected as well as all fines and penalties, shall by every officer collecting or receiving them, be turned over and paid to the city treasurer.

Costs, etc., to
be turned into
treasury.

City to have
use of county
jail.

SEC. 54. The corporation of the city of Flint shall be allowed the use of the common jail of the county of Genesee, for the imprisonment of all persons liable to imprisonment under the ordinances of said city, and all persons committed to jail by any justice of the peace for a violation of any such ordinance, shall be in the custody of the sheriff, who shall safely keep the person so committed until lawfully discharged,

as in other cases. Whenever by the terms of any ordinance of said city it is provided that any person convicted of a violation thereof, shall be imprisoned; said person may be confined in the county jail of the county of Genesee, a city lock-up if the city has one, or in the House of Correction in the city of Detroit, in the discretion of the court. But the council may in any ordinance, designate the city lock-up as the place of confinement of persons offending against the provisions of such ordinance, and the sentence of such offenders, shall be so given. It shall not be competent to use said jail as a place of detention of any person charged with the violation of a city ordinance, unless the person so to be detained, is in the custody of a policeman of the city, [nor] not at all when the city shall have a city lock-up, unless upon a written commitment of a justice before whom the accused shall have been duly arraigned.

Council to designate place of imprisonment.

When jail not to be used.

SEC. 55. All actions against the city of Flint shall be commenced by summons, which shall be served upon the city clerk by giving him a copy of said summons with the name of the officer serving the same, indorsed thereon; or in case of the absence of said city clerk from the city, then by leaving such copy with the mayor indorsed as aforesaid: *Provided*, That no suit shall be maintained against the city, until the claim whereon the same is founded shall have been presented to the common council of said city, duly verified at a regular meeting of the same, for allowance, and until after one regular meeting of the common council shall have intervened.

Actions, how commenced.

Proviso.

SEC. 56. In all suits in which the city of Flint shall be a party, or shall be interested, no inhabitant of said city shall be deemed incompetent as an officer, witness or juror, on account of his interest in the event of such suit or action: *Provided*, Such interest be only such as he has in common with the other inhabitants of said city: *And provided further*, That it shall not be necessary to pay or tender any fees to any witness subpoenaed on the part of the city, but such witness shall be bound to attend, and shall be liable to attachment the same as if fees had been tendered or duly paid to him. The fees of witnesses shall be allowed by the common council on the certificate of the justice or court before whom they appeared.

Citizens not incompetent as jurors.

Proviso.

Witness fees.

SEC. 57. In all trials before any justice of the peace of any person charged with a violation of any ordinance of the said city, either party shall be entitled to a jury of six persons; and all the proceedings for the summoning of such jury and in the trial of the cause shall be in conformity, as near as may be, with the mode of proceeding in similar cases before justices of the peace, as provided by the general statutes; and in all cases, civil and criminal, the right of appeal from the justice's court to the circuit court of Genesee county shall be allowed, and the person appealing shall enter into a recognizance, con-

Trial by jury; parties entitled to.

Appeals.

ditioned to prosecute the appeal in the circuit court, and abide the order of the court therein, or such other recognizance as is or may be required by law in appeals from justice's courts in similar cases: *Provided*, If any judgment in any action shall be rendered against the city by any justice of the peace, such judgment may be removed by appeal to the circuit court in the same manner and with the same effect as though the city were a natural person, except that no bond or recognizance to the adverse party shall be necessary to be executed on behalf of the said city.

Fines, etc., how collected.

When imprisonment deemed waived.

SEC. 58. All fines, forfeitures and penalties imposed for the violation of any ordinance of said city, may, at the election of the city attorney, be sued for in the name of the said corporation, before any court of competent jurisdiction, in an action of *assumpsit* for money had and received, and in declaring in such action it shall be deemed sufficient to refer to the ordinance, claimed to have been violated, by its proper title and date of its passage. Whenever any such ordinance shall impose a fine without imprisonment, or a fine or imprisonment, or both a fine and imprisonment, action may be brought for the enforcement thereof, under this section; but if brought under this section the city shall be deemed to have waived all imprisonment of the defendant. The form of the action, writ, time of return and manner of service thereof, the pleadings and all proceedings in the cause, including final writ of execution and discharge thereof, shall be, and conform as near as may be, to the action of *assumpsit* now in common use for the collection of debts and the enforcement of contracts between party and party.

Fines, etc., to be paid into city treasury.

Penalty for failure by justice.

SEC. 59. All fines, costs, penalties or forfeitures recovered before any [of] said [justices] justice for a violation of the ordinance of said city shall, when collected, be paid into the city treasury; and each of said justices shall report, on oath, to the common council, on the first Mondays of January, April, July and October, during the term for which he shall perform the duties of said justice, the name of every person against whom judgment shall have been rendered for such fines, penalty or forfeiture, and all moneys so received, or which may be in his hands, collected on such [fine] fines, penalty or forfeiture, shall be paid into the city treasurer on the first Monday of the months above named, during the time such justice shall exercise the duties of said office; and for any omission or neglect in this particular, such justice shall incur a penalty of fifty dollars and the costs of prosecution (not exceeding one hundred dollars in all) and in default of payment thereof, he shall be imprisoned not exceeding fifty days.

POLICE.

SEC. 60. The common council of said city may provide by ordinance for a police force, and for [the] appointment by the mayor of such numbers of policemen or nightwatchmen (such appointment to be confirmed by the council) as [they] it may deem necessary for [the] good government of the city, and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time when, in his judgment, the emergency or necessity may so require, and may provide for and appoint subordinate officers for the police and nightwatchmen. Appointment.

SEC. 61. The common council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and night watchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and order of the city, secure the inhabitants from personal violence, and protect public and private property from destruction by fire and unlawful depredation. And the mayor, may, whenever he shall deem it necessary for the preservation of peace and good order in the city, appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require; but such appointments, unless made in accordance with some ordinance or resolution of the common council, shall not continue longer than three days. Council to make rules.

Temporary policemen.

SEC. 62. The city marshal, as chief of police, under the direction of the mayor, shall have the superintendence and direction of the policemen and [nightwatchmen] nightwatchman, subject to such regulations as may be prescribed by the common council. Marshal to have superintendence of police.

SEC. 63. It shall be the duty of the police and nightwatchmen and officers of the force, under the direction of [the] mayor and chief of police, and in conformity with the [ordinances] ordinance of the city, to suppress all riots, disturbances and breaches of the peace, to apprehend any and all persons in the act of committing any offense against the laws of the state, or [any] and ordinance of the city, and to take the offender forthwith before the proper court or magistrate to be dealt with for the offense; to make complaint to the proper officers and magistrates of any person believed to be guilty of the violation of the ordinances of the city, or the penal laws of the State, and at all times diligently and faithfully to enforce all such laws, ordinances and regulations for the preservation or good order and the public welfare as the council may ordain, and to serve all process issued under Duties of policemen.

- To have powers of constables.** any city ordinance and directed to them for service, and for such purposes the chief of police and every [policeman] policemen and nightwatchman shall have all the powers of constables and may arrest upon view and without process any person in the act of violating any ordinance of the city, or in the commission of any offense against the laws of the State.
- May be suspended.** SEC. 64. The mayor may suspend or remove from office, any policeman or nightwatchman for misconduct or other cause at any time. When employed in the performance of duty the policeman shall receive such compensation therefor from the city as the common council shall prescribe.
- Compensation.**

CEMETERIES.

- City may own.** SEC. 65. Said city may acquire, hold and own such cemetery or public burial place or places, either within or without the limits of the corporation as in the opinion of the common council shall be necessary for the public welfare and suitable for the convenience of the inhabitants. The common council may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as they may prescribe; and may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials, or when public policy shall demand, to be taken up and buried elsewhere.
- May prohibit burials in city.**
- May receive money for care of burial lots.** SEC. 66. The city of Flint is hereby authorized to receive, by bequest or otherwise, money given by those who desire to provide for the care of burial lots in said city—specifying the lot or lots to be cared for. Such money shall be always kept by said city and interest paid annually thereon to the treasurer of the cemetery in which such lots are located, at the rate of three per cent per annum, and the interest thus paid shall be devoted to the care and preservation of the designated lots and the monuments thereon.
- To pass ordinances for care of cemetery.** SEC. 67. The common council shall pass and enforce all ordinances necessary to carry into effect the [provisions] provision herein contained, and to control and regulate such cemetery or burial place or improvement thereof, from injury, and to punish violations of any unlawful orders and regulations.
- Idem.** SEC. 68. The common council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging or under the control of any church, religious society, corporation, company or association, and for the protection and preservation of the tombs, monuments, and improvements therein and the appurtenances thereof.

FINANCE AND TAXATION.

SEC. 69. All taxes, both general and special, unless herein otherwise provided, shall be extended on the several assessment rolls by the city clerk, and all warrants for the collection thereof shall be signed by the mayor and city clerk.

Of the assessment rolls.

SEC. 70. For the purpose of defraying the general expenses and liabilities of said city, the common council may cause to be raised annually by tax upon the real and personal property within said city, such sum as they may deem necessary, not exceeding five-tenths of one per cent of the valuation of such real and personal property within the limits of said city according to the valuation thereof, as shall appear on the assessment rolls for the year as equalized by the Board of Equalization and Review, which sum including the bridge tax so called; the common council shall vote to raise on the first Monday of June in each year or as soon thereafter as practicable. Said council may also and at the same time, by a vote of not less than three-fourths of all the aldermen elect, [cause] caused to be raised such sum not exceeding one-tenth of one per cent of the valuation of such real and personal property within the limits of said city, as they may deem advisable, as a special highway improvement fund to be used for paving street crossings and for grading and macadamizing or graveling such portions of the main thoroughfares of the city as they may deem advisable, and for no other purpose. And the common council in addition thereto may cause to be raised, such amount of taxes for general street purposes in the city, not exceeding one-tenth of one per cent on the valuation of the real and personal property within said city as they may deem best, annually, which last named highway taxes shall be levied, assessed and collected on the same rolls as the State and county taxes, and shall be passed to the credit of the general highway fund of said city, and be used for street and highway purposes and not otherwise. All bridges within the limits of said city shall be built and kept in repair at the expense of said city. The common council of said city is hereby authorized to cause to be raised in addition to all other taxes, a sufficient amount of tax annually for that purpose, and it shall be known as the "Bridge Tax" and shall be used for no other purpose.

General expenses, how raised.

Limit of assessment.

Special highway fund.

General street purposes.

Bridge tax.

SEC. 71. Whenever the common council shall deem it necessary to raise a greater sum in any one year, exclusive of school taxes, than the amount specified and limited in the preceding section, they may call a meeting of the tax-paying electors of said city, by notice published in all the newspapers published in said city, once in each week, for two weeks in succession, which notice shall state the time and place of said meeting, and the purposes for which the money to be raised is to be

Larger taxes may be raised, how.

Tax not to exceed one per cent of valuation.

expended; and the electors assembled at such meeting, in pursuance of said notice, shall, by "ballot in such a manner as the common council may by ordinance or by-law prescribe," determine what amount of money shall be raised for each object specified in [the] notice: *Provided*, That the tax so voted by the electors, shall not in any year exceed one per cent upon the valuation of real and personal property taxable within said city: *And provided also*, That not more than two such meetings shall be called in any year; and at all such meetings, the mayor, or in his absence any member of the common council present, shall preside: *And provided further*, That the expense of the publication of each notice in each newspaper, shall not exceed forty cents per folio for the first insertion, and twenty cents for the second insertion, and it need not be published except in such newspapers of said city as will publish it for the prices above specified.

Procedure when additional tax voted.

SEC. 72. Whenever the common council shall be authorized by a vote of the tax-paying electors of said city, to raise a tax for any specific purpose, the common council may cause an assessment roll to be made, assessing such tax upon all the taxable property of said city, according to its cash value, placing the tax in a column opposite the description and valuation of the property; which roll shall be filed and kept by the city clerk in his office who shall make and deliver to the treasurer a copy thereof, together with a warrant signed by the mayor and city clerk, commanding the treasurer to collect the same, and make return of his proceedings by virtue thereof, within a time in said warrant to be specified, not less than thirty days from the date of the warrant, and the city clerk shall immediately charge the treasurer with the amount thereof. It shall be the duty of the treasurer to collect said taxes within the time specified in said warrant, or within such further time as the common council may by resolution direct: *Provided*, That said common council may, if they shall deem it advisable, and if so directed by a majority of the tax-paying electors at such meeting, pledge the credit of the city, by bond or otherwise, to the amount so voted, for a time not exceeding ten years, in which case the common council may cause to be levied and collected such amount, or any part thereof, with the other taxes of said city, upon the general tax rolls, as the same may be necessary, from time to time, to pay the amount due, together with interest thereon.

Treasurer to collect tax.

Council may bond city if authorized by electors.

Supervisors to make assessment.

SEC. 73. The supervisors of said city shall, in each and every year make and complete the assessment of all the real and personal property within their respective wards, in the same manner and within the same time as required by law for the assessment of property in the several townships of this State, and, in so doing, shall conform to the provisions of law governing the actions of supervisors of the several townships

of this State performing like services, except as otherwise provided in this act; and all State and county taxes, and also that part of the school tax necessary to be raised to pay and discharge the bonded debt of union school district of the city of Flint, including also, the mill tax, and such special taxes as may be voted by the school district and the annual highway, taxes aforesaid, shall be levied and collected as near as may be, in the same manner as is provided by law for the assessment and collection of taxes by township officers, unless otherwise provided in this act.

State, county
and school tax.

SEC. 74. The city clerk of said city shall, within the time within which supervisors of townships are required to perform like acts, deliver to the treasurer of said city, the several tax rolls, with the State and county taxes, and that part of the school tax necessary to be raised to pay and discharge the bonded debt of union school district of the city of Flint, including the one-mill tax, the special school district tax and also all general highway taxes extended thereon, with a warrant in the usual form of a supervisor's warrant to a township treasurer thereto attached, directed to the treasurer of the city of Flint; and any person, who shall on or before the tenth day of January next ensuing, pay his or her tax to the treasurer, shall pay one per cent thereon in addition thereto, for collection. After the said tenth day of January, the said treasurer shall proceed to collect the unpaid taxes on said rolls with four per cent in addition thereto for collection, and make return thereof in like manner as is required by township [treasurers] treasures, and with like effect; and for this purpose the treasurer of said city is hereby invested with, and shall possess all the powers and perform all the duties of township treasurers, in collecting all taxes on said rolls remaining unpaid after said tenth day of January, and also in making returns of unpaid taxes. The city clerk of said city shall, on or before the fourth Monday of June in each year, make and deliver to the treasurer of said city [the] their several tax rolls, with the taxes levied and raised for the purpose of defraying the general expenses and liabilities of the city, including the "Bridge Tax," and special highway tax that may have been voted, and also the school tax, excepting that part raised for the purpose of paying the bonded debt of the school district and the one-mill tax, and any special tax that may be voted by the school district, thereon extended, with a warrant as near as may be in the form prescribed in this section, thereto attached, made returnable in forty days from the date thereof, directed to the treasurer of the city of Flint; and any person, who shall, on or before the expiration of said forty days, pay his or her tax to the treasurer, shall pay one per cent thereon in addition thereto for collection; and if any person named in any tax

When tax roll
to be delivered
to treasurer.

Fee for collec-
tion.

City tax roll;
when delivered
to treasurer.

To contain
what taxes.

Of unpaid taxes.

Clerk to certify and file statement.

Treasurer to be credited with unpaid tax.

Unpaid taxes to be assessed on general roll.

Mayor and clerk may issue notes for paving.

or assessment roll provided for in this section shall neglect or refuse to pay his tax the treasurer shall levy the same by distress and sale of the goods and chattels of such person. If, on account of any irregularity or informality of said rolls, or any of them, or for any other reason, any of the taxes mentioned in the tax roll annexed to his warrant, shall remain unpaid, and the said treasurer shall be unable to collect the same for any reason, he shall make out a statement in detail of the taxes so remaining unpaid and due, with the name of the person or persons delinquent, with a full and perfect description of the premises, from his tax roll, upon which the taxes shall not have been paid, and the amount and kind unpaid, and he shall submit the same to the city clerk. The city clerk shall immediately compare such statement with the tax roll in the hands of such city treasurer, and, if he finds it to be correct, he shall add to it a certificate showing that he has examined and compared such statement with the tax roll in the hands of such treasurer, and found it correct; and shall file such statement so certified, in his office. Upon making an affidavit to be annexed to such statement, before the city clerk or any officer authorized to administer oaths, that the sums mentioned in such statement remain unpaid and that he has not upon diligent inquiry been able to discover any goods or chattels belonging to the person charged with or liable to pay such sums, whereon he could levy the same, the city treasurer shall be credited, by the city clerk, with the amount thereof; but no compensation shall be allowed him on the same; and the city treasurer shall thereupon return said tax roll and warrant to the city clerk, with his affidavit thereto annexed, stating the amount of the several taxes collected on said roll, and shall pay to the treasurer of union school district of the city of Flint, so much of said school taxes as he shall have collected, and shall credit to the several city funds, on the books of said city treasurer, the amount of taxes collected for each fund respectively. It shall also be the duty of the city clerk to assess such unpaid taxes on such premises or against such persons, in red ink, and in a separate line or column, or in some other manner so as to clearly distinguish the same in the next general roll, for the collection of State and county taxes, with a penalty of five per cent in addition thereto, and such taxes shall then be collected and returned, and the premises may be sold for non-payment thereof as provided by general law for the non-payment of delinquent taxes.

SEC. 75. It shall be within the power of the common council to empower and direct the mayor and city clerk to issue and negotiate for and in behalf of the city, notes bearing interest at not exceeding six per cent annual interest, for the aggregate amount of any paving taxes, the time for the payment of which has been extended beyond the year of the date of

the original warrant for their collection; such notes shall be made payable at the office of the city treasurer, and fall due at such times as the council shall determine such taxes can be collected, and the proceeds of said notes shall be deposited with the city treasurer and be by him disbursed on the order of the council in payment of the cost and expenses of any pavement on account of which they have been issued, and for no other purpose whatever, and the proceeds of such extended taxes, when collected, shall be used for the payment of said notes, and for no other purpose whatever.

Money from notes, how disbursed.

SPECIAL ASSESSMENTS.

SEC. 76. The common council shall have power to cause the expense of making, paving, grading and opening of streets, lanes, alleys, sidewalks, parks, public grounds, sewers and other local improvements, to be assessed in whole or in part against the owners or occupants of property to be especially benefited thereby, or by general tax in whole or in part, as they may deem just and proper; and the said common council, in addition to the manner provided by this charter, shall also have full power to provide by ordinance for the construction and repair of side and cross walks in said city and for the levy, and collection of, the taxes to defray the expenses of the same, and for the sale and return of the lands delinquent for such taxes in any manner that shall be deemed reasonable and just: *Provided*, That the proportionate part of expense of grading and paving street crossings, shall be borne by the general street funds.

For local improvement, how assessed.

Side and cross-walks.

Street crossings.

SEC. 77. Whenever the common council shall determine that the whole or any part of the expenses of any public improvement shall be defrayed by an assessment against the owners or occupants of houses or lands to be specially benefited thereby, they shall ascertain as they may think proper, the estimated or actual expense of such improvement made, or to be made, and shall declare, by resolution to be entered in their records, whether the whole or what portion thereof shall be assessed against such owners or occupants, specifying the sum to be assessed, and the portion of the city which they deem will be specially benefited by such improvement; and the costs and expenses of making the plans, estimates and assessments incidental thereto shall be included in the estimated expenses of such improvement.

Council to declare what portion to be assessed to owners.

SEC. 78. The common council or a committee thereof, appointed for that purpose, and not interested in any of the property so benefited, when the amount to be assessed, as a special tax, is five hundred dollars or less, shall make an assessment upon all the owners or occupants of lands and

When council to make assessment roll.

To be in proportion to benefits. houses within the portion or part of the city so designated, of the amount of the expense aforesaid in proportion, as near as may be, to the advantage which each shall be deemed to acquire by such improvements, and shall make out an assessment roll in which shall be entered the names of the persons assessed, the value of the property for which they are assessed, and the amount assessed to each of them respectively; and

In case of non-resident. and in case such lots or parts of lots shall belong to a non-resident, or the owner or owners are unknown, the same shall be entered accordingly with a description of such lots or premises as is required by law in assessment rolls made by supervisors of townships, with the value thereof, and the amount assessed therein, which assessment roll shall then be returned and filed

When tax is in excess of \$500. with the city clerk of said city; but whenever the amount to be assessed as a special tax shall exceed the sum of five hundred dollars, the common council shall thereupon make an order stating the improvements so made, or proposed to be made, the amount of the expense thereof to be specially assessed against the owners or occupants of property to be specially benefited thereby, the portion of the city on which the same is to be assessed by definite boundaries, and designating three good and competent freeholders, not members of the council, not interested in any of the property so to be benefited, and against whom there shall be no valid objection, as commissioners to make an assessment upon all the owners or occupants of property within the portion of the city so designated, of the amount of said expense, in proportion, as near as may be, to the benefit which will accrue to each in respect to such property by the making of such improvement, which order shall be certified by the city clerk, and delivered to one of said commissioners. Said commissioners shall meet at such time as they shall agree upon, and shall severally take and subscribe an oath before some officer authorized to administer oaths, that they are not in any manner interested in any of the property embraced in said order, and that they will faithfully and impartially discharge the duties imposed upon them by said order; which oath shall forthwith be delivered to and filed by the city clerk of said city. The commissioners shall thereupon proceed to make an assessment according to said order, and shall make out an assessment roll, in which shall be entered the names of the persons assessed, the description and value of property assessed to each person, and the amount of tax assessed thereon, which roll shall be subscribed by them and delivered to the city clerk, to be held by him subject to inspection by all persons interested: *Provided, however,* That said council may, in their discretion, cause said special assessment to be made by three commissioners as aforesaid, when the amount to be assessed shall be less than five hundred dollars.

Who to make assessment.

Oath of commissioners.

Roll subject to inspection.

SEC. 79. Upon such return being made and filed, the city clerk of said city shall cause notice thereof to be published in the official paper of said city, once in each week for two weeks in succession, stating the names of the persons assessed, the purpose for which such assessment is made, and in cases of non-residents and owners whose names are unknown, a brief description of the premises taxed shall be inserted, and that at a certain time and place, to be designated in said notice, the common council, or such commissioners in case the roll is made by commissioners, will meet and review said assessment roll on the request of any person conceiving himself aggrieved.

Notice of review of roll to be published.

SEC. 80. The common council shall, when such roll is made by them as herein provided, at the time and place in such notice specified or at some session thereafter, take said assessment into consideration, and may rectify or amend said assessment roll in whole or in part, and may set the same aside and direct a new assessment, or they may ratify and confirm said assessment without any correction or with such corrections therein as they may think proper; and when such assessment roll shall be completed, ratified and confirmed by the council, the city clerk shall endorse thereon or annex thereto his certificate that such assessment roll was ratified and confirmed by the common council, and the date of such confirmation. When said roll is made by commissioners, as herein provided, it shall be the duty of such commissioners to meet at the time and place in said notice specified, and then, or at some time thereafter to which they may adjourn, the said assessment roll shall be re-delivered to said commissioners, who shall take the same into consideration, and hear all objections and suggestions of any person interested, and such proofs as may be offered, and may alter and amend in whole or in part, and may ratify and confirm such assessment roll with or without alteration or amendment or may make and subscribe a new roll and ratify and confirm the same, as in their opinion justice and equity may require. And when the assessment roll shall be completed and ratified and confirmed by the commissioners, they shall endorse thereon a certificate thereof to be subscribed by them, and shall deliver said roll, with the order under which they acted, annexed thereto, to the city clerk, who shall file and keep the same in his office.

Common council to act as board of review when.

When roll is made by commissioners.

SEC. 81. Every corrected assessment so certified as aforesaid, shall be final and conclusive. All special assessments shall from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be charged against the person to whom assessed until paid. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year at such times

Special assessments to constitute lien.

May be divided into annual installments.

as the common council shall determine, with annual interest at a rate not exceeding six per cent per annum, but the whole assessment charged to any person may, after confirmation be paid to the city treasurer at any time in full, with the proportionate interest thereon.

Roll to be made for each installment.

SEC. 82. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed.

When assessment proves insufficient.

SEC. 83. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitations prescribed for such assessments, make an additional *pro rata* assessment to supply the deficiency, and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

When in excess.

When assessment is found illegal.

SEC. 84. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such re-assessment, and for the collection thereof, shall be conducted in the same manner as provided for the original assessment; and whenever any sum or any part thereof, levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises, and the re-assessment shall to that extent be deemed satisfied. No judgment or decree, nor any act of the council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceeding, might have been lawfully assessed thereon.

Judgment, etc., not to impair lien.

May be collected on general or city tax roll.

SEC. 85. Whenever any special assessment shall be confirmed and be payable, the council may direct the city clerk or other officer whose duty it may be to extend the taxes on the city or other general tax rolls to levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax in the city tax roll, or other general tax roll, in which such premises are described, next thereafter to be made, in a column for special assessments, and there-

upon the amounts so levied in said tax roll shall be collected and enforced with the other taxes in such tax roll, and in the same manner, and shall continue to be a lien upon the premises assessed, until paid, and when collected, shall be paid into the city treasury.

SEC. 86. When any special assessment shall be confirmed and be payable as hereinbefore provided, the council instead of requiring the assessments to be levied upon the city or other general tax roll as provided in the preceding section, may direct the assessment so made in the special assessment roll, to be collected directly therefrom, and thereupon the mayor and city clerk shall attach their warrant to a certified copy of said assessment roll, therein commanding the city treasurer to collect from each of the persons assessed in said roll, the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment within forty days from the date of the warrant, then to levy and collect the same by distress and sale of the goods and chattels of such person, and return said roll and warrant, together with his doings thereon, within sixty days from the date of such warrant.

May be collected on special roll.

Penalty for non-payment within forty days.

SEC. 87. Upon receiving said assessment roll and warrant, the city treasurer shall proceed to collect the amounts assessed therein, and for that purpose it shall be his duty, immediately upon receiving such rolls, to give public notice of the receipt thereof by him, by publication for six successive days in the official paper of the city. If any person shall neglect or refuse to pay his assessment within forty days from the date of the warrant attached to such roll, the treasurer shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days notice of the time and place of such sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment and a percentage of five per cent upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus if any, shall be paid to the person entitled thereto.

Treasurer to give notice of collection.

To seize personal property in case of non-payment.

Disposal of proceeds of sale.

SEC. 88. The treasurer shall make return of said assessment roll and warrant to the city clerk, according to the [requirement] requirements of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return, a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

Treasurer to make return to clerk.

Warrant may
be renewed.

SEC. 89. Said warrant may be renewed from time to time by the city clerk, if the council shall so direct, and for such time as it shall determine, and during the time of such renewal, the warrant shall have the same force, and the city treasurer shall perform the same duties, and make the like returns as above provided. In case any assessment shall be finally returned to the city treasurer unpaid as aforesaid, the same may be re-assessed in the manner provided in section eighty-five of this act, [with] without interest included at the rate of ten per cent per annum from the date of confirmation of the assessment, until the last day for the payment of taxes, in the next city or other general tax roll, and be collected and paid in all respects as provided in said section eighty-five.

Assessment
may be col-
lected by suit.

SEC. 90. At any time after a special assessment has become payable the same may be collected by suit, in the name of the city, against the person or corporation assessed in an action of *assumpsit* in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same, shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

Judgment to be
rendered
against defend-
ant, when.

SEC. 91. If in any such action it shall appear that by reason of any irregularities or informalities, the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant or upon such lot or premises.

Council may
provide for
collection by
ordinance.

SEC. 92. The common council shall have power to make all such by-laws and ordinances relative to any special assessment or tax in said city as they may deem necessary to enable them to levy and collect such tax in all cases when the manner of levying and collecting such tax is not provided for in this act: *Provided*, That such by-laws and ordinances are not inconsistent with any of the provisions of this act, and *provided also*, That whenever any person shall be improperly designated as the owner or occupant of any lot or premises, in proceedings under this act, or any of the by-laws or ordinances of said city, relative to any special assessment, such tax or assessment shall not for that cause be vitiated but the same shall be a lien upon such lot or premises, and shall be collected as in other cases.

Proviso.

Wrong name
not to invali-
date tax.

BOARD OF REVIEW.

SEC. 93. There shall be a board of equalization and review, non-partisan as near as may be composed of one member from each ward (elected as provided in section nine of this charter, who shall be electors and freeholders), and the city attorney. It shall choose one of its members chairman, and the city clerk shall be its clerk. The full term of the elected members of the board of review shall be two years from the first Monday of May in the year in which they were severally elected. In case of a vacancy caused by death, resignation, removal from his ward or otherwise, the mayor shall nominate a freehold elector of the ward in which the vacancy occurs to fill the same. Every person so nominated on being confirmed by a majority vote of all the aldermen elect, and taking the constitutional oath, shall be a member of said board until the next annual election. If any person so appointed a member of said board shall refuse or neglect for ten days after being duly notified thereof to qualify by taking said oath and filing it with the city clerk, the latter shall at once notify the mayor and the council thereof. Such failure may be treated as a declination of the office and a new nomination may be thereupon made and confirmed in the manner aforesaid.

SEC. 94. On the Tuesday next following the third Monday in May in each year, at nine o'clock in the forenoon, the board of review of said city shall meet at the council room; at which time the city clerk shall submit to said board the assessment rolls of the several wards for the current year as prepared by the several supervisors of the city and filed in his office, and the said board shall proceed to examine and review the same, and during that day and the next three days of its session, said board of its own motion or on sufficient cause being shown by any person, shall add to said roll the names of persons, the value of personal property, and the description and value of real property liable to assessment in said township omitted from any of such assessment rolls; they shall correct all errors, in the names of persons, in the description of property upon such roll, and in the assessment and valuation of property thereon; and they shall cause to be done whatever else may be necessary to make said roll comply with the provisions of the tax laws of the State of Michigan applicable thereto, as now in force or hereafter enacted. The board shall pass upon each valuation and each interest, and shall enter the valuation of each as fixed by it in a separate column. The roll as prepared by the supervisor shall stand as approved and adopted as the act of the board of review, except as changed as herein provided. If for any cause a quorum does not assemble during the days above mentioned,

Who to compose board.

Term.

Vacancy.

Must qualify within ten days.

When meeting to be held.

Board to correct roll.

Roll to stand approved when corrected.

Clerk to notify parties when valuations increased. the roll as prepared by the supervisor, shall stand as if approved by the board of review. It shall be the duty of the clerk of said board whenever it shall have increased the valuation of real estate or added to the value of personal property on any of said rolls, to at once notify or cause to be notified, the party against whom such increased assessment is made, that the same has been done, and that he can appear before said board at a subsequent sitting named, and show cause under oath why such increase of assessment should not stand, if he objects thereto; such notice shall be in writing or partly printed and partly written and signed by said clerk. It may be served by mail post paid, duly addressed to the party at his last known place of residence, in which case the time of mailing shall not be less than two full days before the time for hearing, or it may be personally served, in which case one full day's service of such notice shall be sufficient.

Second meeting of board. SEC. 95. The said board of review shall also meet at the common council room on the Tuesday next following the fourth Monday in May, at nine o'clock in the forenoon, and continue in open and public session during that day and the day following, and not less than six hours each day (exclusive of noon recess), and at the request of any person whose property is assessed on either of said rolls, or his agent, and on sufficient cause being shown under oath shall correct the assessment in such manner as in their judgment will make the valuation thereof relatively just and equal. To that end, said board may examine on oath the person making such application, or any other person touching the matter. Any member of said board may administer such oath. After said board shall complete the review of said rolls, a certificate to the effect that the same is the assessment roll for the ward therein named for the year in which it has been prepared and approved by the board of review, shall be endorsed thereon, signed by the chairman and clerk of said board, which certificate may be in form, as follows: "The board of review of the city of Flint certify that the within or annexed roll is the assessment roll of the ward of the city of Flint, for the year 18.., as approved by said board.

....., Chairman.

....., Clerk."

Roll to be considered valid. Upon the completion of said rolls and their endorsement in the manner aforesaid, the same shall be conclusively presumed by all courts and tribunals to be valid, and shall not be set aside except for causes prescribed by the general State law. The omission of said endorsement shall not affect the validity of such roll. For the purpose of equalization by the board of supervisors of the county of Genesee, the said ward assessment

rolls shall be deemed as a single roll. The valuation fixed and determined by said board shall be the valuation of the taxable property of the city of Flint as a unit, and the State, county and other taxes apportioned by said board of supervisors shall be apportioned to said city and not to any ward thereof, and shall be certified to the clerk of said city.

Roll to be taken
as equalized.

BOARD OF PUBLIC WORKS.

SEC. 96. There shall be a board of public works which shall be non-partisan as near as may be, and consist of three good and competent men who are electors and freeholders. The members of such board shall be appointed by the mayor, subject to the approval of a majority of the aldermen elect of the common council, and shall hold office for the term of three years, and until their successors are appointed and qualified. The said term shall commence on the fifteenth day of May. The first members composing such board shall be appointed as soon after this act shall take effect, as may be, to hold office as follows: one until the fifteenth day of May eighteen hundred and ninety-seven, one until the fifteenth day of May eighteen hundred and ninety-eight and one until the fifteenth day of May eighteen hundred and ninety-nine. The members of such board so appointed, shall meet at the city clerk's office and organize not later than the last Monday in March eighteen hundred and ninety-seven by choosing one of their number president and thereupon said board shall possess all the powers, perform all the duties and be subject to all the provisions in this act contained and provided for. Until such board is so organized, the present street commissioner shall perform such [services] service in their several wards as the council shall direct. Thereafter the mayor shall annually on the first Monday in May or as soon thereafter as may be, nominate one member of said board for the term of three years. At the first regular meeting of said board occurring on or after the fifteenth day of May in each year, it shall be the duty of said board to organize by the appointment of one of their number president; such president shall hold his office one year and perform such duties as are usually required of presiding officers. The common council shall provide the board with a suitable office room for its meetings and business uses, supply record books, stationery and other things necessary for the transaction of the business in charge of said board, and provide for the payment in like manner as other accounts against the city, of all necessary and lawful expenses incurred by said board.

Number of
members.

Appointment.

Term.

To meet, when.

President
chosen
annually.

Duty of council.

Duties of board. SEC. 97. Said board of public works shall, after the said public improvements have been first duly ordered by the council, have supervision and charge of the construction and repair of all side-walks, cross-walks, culverts, bridges, fountains, and reservoirs; and construction, repair and extension of all main and lateral sewers and drains; the erection, alteration and repair of all engine houses, police stations, city halls and other public buildings of every description in said city, except school houses; the deepening and cleaning of ditches and gutters; the cleaning, repairing, grading, paving, macadamizing, graveling and covering with other material of all streets and alleys; the laying out and improvement of all parks and grounds; and shall, in addition thereto, exercise such other powers and perform such other duties in the superintendence, construction and care of public works and improvements, as the council may from time to time direct, not inconsistent with the provisions of this act.

To make estimates. SEC. 98. Whenever the council of such city shall have decided upon the making of any such public improvement, it shall so declare by resolution; and the board of public works, with all convenient dispatch, shall determine as to the particular kind and estimate the quantity of materials to be used therefor, and estimate, in detail, the probable cost and expense of such work, and of the material to be used therein, and make a record thereof in their office; and cause to be prepared, so far as necessary, plans and specifications for such work or improvement; and report their determination and estimate to the common council. When such plans and specifications have been submitted to the council, and adopted by it, the said board of public works shall (except in the case of the cleaning and deepening of ditches and gutters, and the repair of streets and sidewalks) advertise for proposals for the furnishing of material and for the performance of such work; and may require all bidders to furnish security for the performance of proposals tendered to said board if the bid is accepted, and also security for any contract awarded; and all bids submitted to said board shall be publicly opened by it, and as soon as may be thereafter, reported by the said board, together with its recommendation in respect thereto, to the council; and no contract shall be let by the said board until it is thereunto duly authorized by the council. The council may in its discretion, order all bids rejected and direct the work to be done by the board by its employés.

Council may reject bids. SEC. 99. All contracts made by said board shall be in the name of the city, and shall be first approved, as to form, by the city attorney, and be executed by the president of said board, and when made, such board shall, in behalf of the city, have direction of the performance thereof. The board

Of the making of contracts.

shall reserve the right, in all contracts, to determine all questions as to the proper performance of such contracts, and as to the completion of the work specified therein, and in case of the improper, dilatory or imperfect performance thereof, to suspend work at any time, to order the partial reconstruction of the same, if improperly done, to re-let the work covered by said contract, or any unfinished portion thereof, or, by its employés, to take possession and complete the same at the expense of the contractor. It shall also have the right, by proper provisions in all contracts, to retain a sufficient amount from the contract price to pay and discharge all debts incurred by the contractor for labor performed upon any public work, and upon the failure of the contractor to pay the same, to make payment thereof to the parties entitled thereto, and charge the amount so expended against the contract price.

To retain portion of contract price.

SEC. 100. Said board shall have the power to supply when needed, subject to the approval of the council, a city engineer who shall make all surveys required for the laying out, construction, alteration, repair, and improvement of streets, sewers, water mains, cemeteries, parks, public grounds and buildings, and prepare all necessary plans, profiles and specifications therefor, and perform the civil engineering work of said city of every description, as required by the council, the said board of public works, or by any other lawful authority of said city. Said board shall also have the power to appoint suitable persons who shall have the personal supervision of the construction and repair of public buildings, the grading, paving, improving, clearing and care of streets, alleys, and public grounds; the construction and repair of sidewalks, and the cleaning and deepening of ditches, drains, and gutters, and also such other subordinates as may be necessary to enable the board to properly perform the duties devolving upon it. Said board shall recommend annually, but the common council shall have the power to fix, and shall fix, the compensation of said engineer, and other appointees of said board, and all claims for the same shall, when certified by the board, be submitted to the council for allowance and payment in the same manner as other claims against the city.

May employ city engineer.

May employ superintendents.

Compensation of employees.

SEC. 101. The said board shall classify the various works under its control and keep an accurate account of the cost of each, and of the amounts expended for construction, repairs and superintendence and salaries of employés, and also detailed accounts of all other matters under its charge and control; and upon the second Monday of March in each year, and oftener if required by the council, submit to it a statement showing in detail the progress and condition of all public improvements commenced or carried forward by said board, the character and amount of all contracts made by the board,

To keep accurate accounts.

To report condition of public improvements.

To make estimates of amounts earned.

the moneys earned and paid thereon, and all other information necessary to the full understanding of the business conducted by said board. The board shall, from time to time, also make estimates of the amounts earned and payable upon any contract for work done and materials furnished, and report the same to the council, and thereupon it shall be the duty of the council, without unreasonable delay, to order payment from the proper funds of the amount so reported.

City clerk to be clerk of board.

SEC. 102. The city clerk shall be the clerk of said board, and shall keep a full record of its proceedings, showing the vote by yeas and nays of each member upon every motion brought before or determined by said board relative to the adoption of plans, letting of contracts, approval of bonds, or the appointment of officers or employes, which record shall at all times be open to public inspection, and a copy thereof published within five days after each session in the official newspaper of the city. A majority of the board shall form a

Quorum.

quorum for the transaction of business. The board shall have the power to make all such by-laws, rules and regulations as may be necessary or expedient for the conduct of its business.

May fix duties of or discharge employes.

It shall have the power to fix the duties; and at any time to suspend or discharge any of its appointees or employes, and appoint or employ others in their place, as to the said board the public interest may seem to require. In case of the removal of the city engineer by the board, the appointment of his successor shall be subject to the approval of the council, by a majority vote of the aldermen elect.

To give bond to the city.

SEC. 103. All members of the said board shall, when required by the council, before entering upon the duties of their office, execute a bond to the city in the sum of one thousand dollars, conditioned for the faithful performance of the duties of said office, with sureties to be approved by the council, and any member of said board who shall fail or neglect to give such bond, whenever the same shall be required, within ten days after his appointment as a member thereof, shall be deemed to have resigned his office, and the vacancy thereby created may be filled by appointment by the mayor, by and with the consent of the council, as in other cases.

Failure to give bond deemed resignation.

Not to hold elective office.

SEC. 104. No member of said board shall hold an elective office under the charter of said city, during continuance as a member of said board, and his election to and acceptance of any office in said city shall be deemed as a resignation of membership, and shall vacate his office in said board. No member of said board shall be personally interested, either directly or indirectly, in any contract for any public work in said city, nor in the sale or disposition of any material to be used or applied in or about any public work or improvement. Any member of said board may be at any time removed in the same manner as other appointive officers are removed for the

Shall not be personally interested in contracts.

unfaithful or inefficient performance of the duties of his office. Whenever a member shall be removed or a vacancy in said board shall occur by the reason of the removal of any member thereof from said city, failure to execute the proper bond, resignation, death or otherwise, the same shall be filled for the unexpired term by appointment by the mayor by and with the consent of the council, by a majority vote of all the aldermen elect.

BOARD OF HEALTH.

SEC. 105. The common council of said city shall have power and it shall be their duty to adopt measures for the preservation of the public health of said city, and to restrain or prohibit the exercise of any unwholesome or dangerous avocations within the limits of the city. It shall be the duty of said common council on the second Monday of May, in the year eighteen hundred and ninety-seven, or as soon thereafter as may be, to appoint, on nomination of the mayor, a board of health for said city, to consist of two members so appointed, and the health officer of the city who shall be president of the board. Of said board so appointed, one member shall hold his office for the term of one year and one member for the term of two years, and thereafter in each year, at the time aforesaid a member of said board shall be appointed in the manner aforesaid to take the place of the member whose term of office expires, and who shall hold his office for the term of two years. The said board of health shall have power, and it shall be their duty to take such measures as they shall deem effectual, to prevent the entrance of any pestilential or infectious disease into said city: to stop, detain and examine for that purpose every person coming from any place infected or believed to be infected with such a disease: to establish, maintain and regulate a pest-house or hospital, or both, at some place in said city, or not exceeding three miles beyond its limits or bounds: to abate all nuisances of every description which are or may be injurious to the public health in any way and manner they may deem expedient, and from time to time to do all acts, make all regulations, and recommend to the common council to pass such ordinances as they shall deem necessary or expedient for the preservation of health and the suppression of disease in said city, and to carry into effect and execute the powers hereby granted. Said board of health shall also have the exercise within and for said city all the powers and authority conferred upon boards of health by chapter forty-six of the compiled laws of eighteen hundred and seventy-one, so far as the same are applicable and consistent with this act, and such powers as are now or may hereafter be granted to boards of health by the general laws of the State. The said health officer shall

Vacancy.

Appointment.

Number of members.

Term.

Powers and duties.

**Powers of
health officer.**

have such powers, and perform such duties as are conferred upon or required of health officers of cities and townships appointed under the general laws of the State, and shall perform such other duties pertaining to his office as may be required by the board of health of said city.

**Inn keepers,
physicians to
report cases of
disease.**

SEC. 106. Every keeper of an inn or boarding house or lodging house in said city, who shall have in his or her house at any time any person sick with any infectious or pestilential disease, shall report the fact and the name of the person, in writing, within six hours after such sick person came to the inn or house or was taken sick therein, to some officer or member of the board of health. Every physician in said city shall report under his hand to the health officer, the name, residence and disease of every patient whom he shall have sick with any infectious or pestilential disease within six hours after he shall have visited such patient. A violation of either of the provisions of this section or any part of either shall be a misdemeanor, punishable by fine or imprisonment or both, the fine not to exceed one hundred dollars, nor the imprisonment three months.

**Penalty for
failure to so
report.**

**Meetings of
board.**

Clerk.

Compensation.

SEC. 107. The board of health shall hold regular meetings on the last Tuesday of each month, and special meetings at the call of the health officer. The city clerk shall be the clerk of said board and keep a correct record of its proceedings. The members of said board of health shall receive such compensation for their services as the common council deem reasonable.

FIRE DEPARTMENT.

**Powers of
council.**

SEC. 108. The common council shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain fire, hose and hook and ladder companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employes, firemen, and officers thereof; and for the care and management of the engine, hose, apparatus, property and buildings pertaining to the department; and prescribing the powers and duties of such employes, firemen and officers. They shall also have such further powers and duties in relation to fires and the prevention thereof and to the fire department of said city as are conferred by the provisions of chapter twenty-nine of act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three, entitled "An act for the incorporation of cities," approved April twenty-nine, eighteen hundred and seventy-

three, being subdivision twenty-nine of chapter eighty, Howell's Annotated Statutes or which are now or may be at any time hereafter conferred by the general laws of the State.

SEC. 109. At the first regular meeting in the month of May, or as soon thereafter as may be, the common council shall proceed to elect a chief and foreman of the fire department, whose terms of office shall be for one year and until their successors are elected and qualified, unless sooner removed by a majority vote of all the aldermen elect. The position of drivers and firemen shall be filled upon the recommendation of the chief and the approval of a majority of all the aldermen elect. Temporary vacancies may be filled by the chief until the next regular council meeting. The chief and all members of the fire department shall at all times be subject to such rules and regulations as the common council shall adopt for their government.

Chief engineer.

Firemen.

Vacancy.

MISCELLANEOUS PROVISIONS.

SEC. 110. *Treasurer's bond.* The treasurer of said [city] shall before entering upon the duties of his office, file with the city clerk, his bond, conditioned for the faithful performance of his duties as such treasurer, in such amount and with such sureties as the common council shall require and approve; and such treasurer shall give to the treasurer of the county of Genesee such other security as is now or may hereafter be required by law of township treasurers of the several townships of this State; and for the purposes of the return of all such taxes, and the return of all property delinquent for the non-payment of taxes, the treasurer shall possess all the powers and perform all the duties of the several township treasurers of this State, as prescribed by law.

Council to require and approve.

Powers of treasurer.

SEC. 111. Whenever in laying out or altering any street, lane or alley, park or public ground in said city, the common council shall require for such purpose the grounds of any person, they shall give notice thereof to the owner or person interested, or his or her agent or representative, by personal service, or by written notice posted in three public places in said city, at least three weeks preceding the meeting of said common council for the purpose aforesaid, and the said common council are authorized to treat with such person or persons for such grounds or premises, and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall be lawful for the mayor of said city to issue a *venire facias*, to command the marshal or any constable of said city to summon and return a jury of twelve disinterested free-holders to appear before said mayor, at any time therein to be stated, to inquire into and determine the necessity of using such ground for such improvment, and to ascertain and

Private property taken for public purposes.

Jury to be summoned.

determine the just compensation to be paid therefor to the owner of, or parties interested in such grounds or premises, which jury, being first duly sworn by said mayor faithfully and impartially to inquire into the necessity for taking or using such grounds, and to ascertain and determine the just compensation to be paid therefor, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or parties interested in such grounds or premises for their respective injuries according to the several interests or estates therein: *Provided*, That notice of the time and place when such jury will meet as aforesaid shall be served personally on the persons interested in the premises proposed to be taken, or be published at least one week in the official paper of said city; and upon the return of the assessment or verdict of said jury the mayor shall enter judgment therefor, confirming the same; and such sum or sums so assessed shall be paid or legally tendered before such street, lane, alley, park or public ground shall be made, laid out, altered or opened, to the claimant or claimants thereof; it shall thereupon be lawful for said common council to cause said grounds to be occupied for the purposes aforesaid: *Provided*, That any party claiming damages as aforesaid may have the right to remove such proceedings by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his or her, or their intention to do so to said mayor, in writing, within ten days, or in case of the absence of said party from the city at the time of the rendition of the judgment, then within thirty days after the verdict of such jury and the judgment of such court aforesaid; and upon filing a transcript of the proceedings aforesaid, duly certified by the mayor, within forty days after, the verdict and judgment in the circuit court or in any other court of record, having appellate jurisdiction, the same proceedings shall be had as is or may be prescribed by law in other causes of appeal.

To assess damages.

Tender of amount to owner.

Claimant may appeal.

Council may remit taxes.

Electors to vote on such remission.

General duties of council and city officers.

SEC. 112. The common council shall have power by a two-thirds vote of all the members elect to contract with persons or corporations starting new manufacturing or other business enterprises within said city for the remission of all general municipal taxes of the city on the property, real and personal, of such persons or corporations actually used for the purpose of such new manufacturing or business enterprises, for such a period not exceeding ten years, as the common council may deem for the interest of the city: *Provided*, That such contract shall have no binding force until approval by a vote of the tax-paying electors of the city specially called for that purpose.

SEC. 113. The common council of said city is hereby authorized and required to perform the same duties in and for said city, as are by law imposed upon the township boards of the

several townships of this State, in reference to school taxes, county and State taxes, the support of the poor, and State, district and county elections; and the supervisors, justices of the peace, city clerk, school inspectors and all other officers of said city, who are required to perform the duties of township officers of this State, shall take the oath, give the bonds, perform like duties, and except school inspectors, receive the same pay, and in the same manner, and be subject to the liabilities as provided for the corresponding township officers, except as is otherwise provided in this act, or may be provided by the ordinance of the common council, and the supervisors shall also perform the duties of assessors in their respective wards.

SEC. 114. The common council shall have full power to assess and collect of each individual using or being benefited by any public sewer or drain as follows, to-wit: The sum of one dollar and fifty cents annually for each cellar drained, directly or indirectly, by a drain into any public drain or sewer, which assessment shall be taken to include all other drainage of the premises to which said cellar especially belongs; and the sum of fifty cents annually for each lot or subdivision of lot, being without a cellar, drained as aforesaid into any public drain or sewer, and such sums as may be fixed by the common council for all establishments requiring an unusual or extraordinary amount of drainage, drained as aforesaid, which sums when collected shall constitute the sewer fund, and shall be expended exclusively for the repair and construction of sewers; and the collection of the charges to individuals for drainage, in this section provided, shall be enforced in such manner as the common council may by ordinance direct.

Tax for use of
sewers, drains.

How collected.

SEC. 115. Whenever in the opinion of the common council, any building, fence or other erection of any kind, or any part thereof is liable to fall down, and persons and property may be thereby endangered, they may order any owner or occupant of the premises on which said building, fence or other erection stands, to take down the same, or any part thereof, within a reasonable time, to be fixed by the order, or immediately, as the case may require, or may immediately, or in case the order is not complied with, cause the same to be taken down at the expense of the city on account of the owner of the premises, and assess the expense on the land on which it stood; the order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city paper, as the common council shall direct.

Unsafe build-
ings fences.

SEC. 116. All fines imposed for the violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execu-

Fines, to whom
and when paid

tion, the officer or person receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall within ten days thereafter, pay the same to said court or magistrate, and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the city treasury. Fines paid into the city treasury for violation of the ordinances of the city shall be disposed of as the common council may direct.

Of streets,
parks, bridges,
etc.

SEC. 117. The common council shall have power to regulate the time and manner of working upon the streets, lanes and alleys in said city, to provide for the grading, paving, planking and railing of all streets, lanes and alleys, sidewalks and cross-walks, and to prescribe the width thereof; to cause sidewalks to be frequently inspected for the public safety, and when found defective, to be summarily repaired, and the expense thereof to be paid from the general street fund; to lay out and open all streets, lanes and alleys, parks and public grounds and the same to alter and vacate, and to alter and vacate those already laid out; to cause sewers, drains and vaults, arches and bridges, wells and pumps and reservoirs to be built in any part of said city; to cause the grading, leveling and repairing of all streets and alleys, sidewalks, cross-walks, parks and public grounds in said city, and to prevent the obstruction or incumbering thereof.

Fiscal year.

Financial
statement to be
published.

SEC. 118. The fiscal year shall commence on the first day of March in each year, and end with the last day of February in the year following. The common council shall annually within twenty days after the close of the fiscal year, publish a detailed statement of the receipts and expenditures for the year, and shall so group together the principal clauses of expenditure as to show the expense of water supply, fire department, police services, public lighting and the like. Such statement may be published in the official paper or in hand bill form for general distribution, or as the council may direct.

Unauthorized
indebtedness
not to be
incurred.

SEC. 119. No bond or other obligation or evidence of indebtedness of said city shall ever be given or issued by said city, or by any officer thereof in his official capacity, whereby the city shall become obligated to pay any sum of money, except as expressly provided for in this act, but the common council may endorse on all accounts which may be presented against the city, the amount allowed by them thereon; an account of all claims so allowed shall be kept by the city clerk in a book to be provided for that purpose; no order or warrant for the payment of money shall be drawn upon the treasurer, when there shall not be sufficient funds in the treasury to pay the same.

SEC. 120. Any person who may be required to take any oath or affirmation, under or by virtue of any provision of this act, who shall under such oath or affirmation, in any statement or affidavit, or otherwise wilfully swear falsely as to any material fact or matter, shall be guilty of perjury. False swearing deemed perjury.

SEC. 121. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act done or omitted to be done under such election or appointment, or against any person having done anything or act, by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law. Double costs to be recovered, when.

SEC. 122. Nothing herein contained shall be construed to destroy, impair or take away any rights or remedy acquired or given by any section of the charter of the city of Flint hereby amended or repealed; and all proceedings commenced under such sections before amendment, shall be carried out and completed, and all prosecutions for any offense committed or penalty or forfeiture incurred shall be enforced in the same manner as if this act had not been passed, but nothing in this act contained shall be construed to impair or annul or affect any ordinance or by-law or resolution of said city, not inconsistent with the provisions of this act, but the same shall continue and be in force until the same are repealed or annulled as fully as though this act had not been enacted; and all officers now elected to or holding office in said city shall hold the same for the time for which they were elected. Rights and actions preserved
Former ordinances.
Officers.

This act is ordered to take immediate effect.

Became a law over the Governor's veto April 14, 1897.

[No. 401.]

AN ACT to authorize the township board of the township of Lockport, in the county of St. Joseph and State of Michigan, to sell to the city of Three Rivers in said county, all the interest of said township of Lockport in the library known as The Three Rivers Free Public Library of the Township of Lockport, or to effect a division of said library between said township and said city by agreement with the city council thereof.

May sell
library.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for the township board of the township of Lockport in the county of St. Joseph and State of Michigan, to sell to the City of Three Rivers in said county, all of the right, title and interest of the said township of Lockport, in and to the library known as The Three Rivers Free Public Library of the township of Lockport, now owned jointly by said township and said city, for such sum of money as shall be agreed upon between the township board of said township and the council of the City of Three Rivers.

May divide
library.

SEC. 2. It shall also be lawful for the township board of the said township, instead of selling the interest of said township in said library as above provided, to agree with the city council of the City of Three Rivers upon a division of said library, and by such agreement to effect a division of said library between the said township and the said city.

Transfer, how
executed.

SEC. 3. In case of either a sale or division of said library as hereinbefore provided, the township board shall give to the City of Three Rivers, an instrument in writing stating such fact, which instrument shall be in duplicate and signed by at least three members of said board in their official capacity, and shall be conclusive evidence in all courts, of the facts therein stated. The township of Lockport shall be bound by such action of the board; and in case of a division of such library, the part retained by the said township shall be under the exclusive management and control of said township, independent of the City of Three Rivers, and the part retained by the said City of Three Rivers shall be under the exclusive management and control of said city; and in case of a purchase of the interest of Lockport township in said library, then the whole library shall be under the exclusive control of said city, and said township shall have no further interest therein. In the event of either a purchase or division of said library as hereinbefore provided, all members of the board of directors of said library, elected by the township of Lockport pursuant to the provision of section one of chapter thirty of act number

Control of
remaining
portion.

four hundred thirty-four of the local acts of the State of Michigan for the year one thousand eight hundred ninety-five shall cease to be members of such board.

SEC. 4. If the interest of said township in said library shall be purchased by said city, the money received therefor shall be credited to the library fund of said township, and may be used the same as other money in such fund. Disposition of money.

This act is ordered to take immediate effect.

Approved April 21, 1897.

[No. 402.]

AN ACT to organize the township of Beaver Creek in the county of Crawford into a union school district.

SECTION 1. *The People of the State of Michigan enact*, That whenever the qualified electors of the township of Beaver Creek, in the county of Crawford, desire to become organized into a single school district, they may petition the township board to give notice that at the succeeding township meeting or at a special election to be held Monday, May tenth, eighteen hundred ninety-seven, that the officers for such organized school district will be chosen, and such other business transacted as shall be necessary thereto. Such petition shall be signed by a majority of the qualified electors of the township and shall be filed in the office of the township clerk at least fifteen days prior to the annual township meeting [or] on said tenth day of May, eighteen hundred ninety-seven. Upon the receipt and filing of said petition, the township clerk shall notify the members of the township board and the school inspectors of the township to attend a special meeting to be held not more than five days thereafter, and at which meeting it shall be the duty of such township board to compare the names signed to the petition with the names appearing on the list of registered voters qualified to vote at the preceding election, and if it be found that a majority of the voters qualified to vote at the preceding election have signed the petition that the organized township of Beaver Creek, of which they are resident, be organized as a single school district, they shall give notice that at the then succeeding township meeting or at a special election to be held Monday the tenth day of May, eighteen hundred ninety-seven, officers will be chosen for such organized school district; and shall make and file, both with the county clerk and the secretary of the board of school inspectors May be organized into single school district. To petition for. Petition to be signed by majority of electors. Notice of election.

of the county in which such township is located, a certified copy of the above mentioned petition together with their finding and doings thereon, and thereupon such township of Beaver Creek shall become a single school district which shall be subject to all the general laws of the State, so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon union school districts by the laws of this State, all the general provisions of which relating to common or primary schools shall apply and be enforced in said district, except such as shall be inconsistent with the provisions of this act, and all schools organized in said district in pursuance of this act, under the directions and regulations of said board of education shall be public and free to all persons actual residents within the limits thereof, between the ages of five and twenty years, inclusive, and to such other persons as the board of education shall admit: *Provided*, That whenever the majority of electors in such organized township shall petition the board of education to establish a school or schools therein, the said board of education are hereby authorized and directed within three months thereafter to organize such school or schools therein.

Officers.

Trustees to be
elected by
ballot.

SEC. 2. The officers of said district shall consist of two trustees, who, together with the clerk and school inspectors of said township, shall constitute the board of education of said district. Said trustees shall be elected by ballot at the annual township meeting of the township, upon the same ticket and canvassed in the same manner as township officers required by law to be elected by ballot: *Provided*, That at the election to be held in said township next subsequent to the filing of the petition as set forth in section one of this act, there shall be elected two trustees for said district by the electors thereof, one of whom shall hold his office until the next annual township meeting and the other one until the second annual township meeting after his election, and until their successors shall be elected and qualified, and the time for which the person voted for is intended shall be designated on the ballot, and at each election thereafter to be held, one trustee shall be elected in said district, who shall hold his office for the term of two years, and until his successor shall be elected and qualified, said trustee to be designated on the ticket or ballot for "Member of board of education."

Term of.

Township clerk
to notify
persons
elected.

To take oath
of office.

SEC. 3. Within five days after the annual election or said special election the township clerk shall notify in writing, the persons elected trustees under this act of their election and within five days thereafter said trustees so elected shall take and subscribe the oath of office prescribed by the constitution of this State, before any officer authorized to administer oaths and file the same with the township clerk. The term of office of the trustees of said district shall commence on the second

Monday following the annual township election at which they are elected.

SEC. 4. The members of the board of education shall meet on the third Monday of April of each year, at the office of the township clerk, and organize. The school inspector of the township whose term of office will soonest expire shall be president of the board and shall be entitled to vote in all cases. In the absence of the president at any meeting a majority of the members present may choose one of their own number president *pro tem*. The township clerk of said township shall be *ex officio* clerk of said board of education, and shall be entitled to vote thereon, and in case of the absence of said clerk the board may choose some suitable person to perform his duties. Said board shall on said third Monday of April in each year elect from their own number a treasurer, who shall hold his office for one year and until his successor is elected and qualified, and may at any time fill a vacancy in the office of treasurer: *Provided*, That the person appointed to fill a vacancy in the office of treasurer shall hold the office for the unexpired portion of the term only. The treasurer of said board shall within five days after his appointment as such treasurer file with the clerk of said board the constitutional oath of office. He shall also before entering upon the duties of his office, give a bond to said district in such sum and with such sureties as said board shall determine and approve, conditioned for the faithful performance of his duties under this act, and honestly accounting for all moneys coming into his hands belonging to said district. The treasurer of said board shall have the keeping of all school and library moneys and shall not pay out the same without the authority of the board upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president.

Board to meet and organize.

President *pro tem*.

Township clerk to be *ex officio* clerk of board.

SEC. 5. Said board of education shall have power to fill vacancies that may occur in the office of trustee until the next annual election, and such trustee shall file with the clerk of said board his oath of office within five days after such appointment by the board.

Power of board to fill vacancies.

SEC. 6. A majority of the members of said board shall constitute a quorum, and the regular meetings of said board shall be held on the third Monday of April, August and December in each year, and no notice of such meeting shall be required, and any two members of said board shall be sufficient to adjourn any meeting from time to time until a quorum is present. Special meetings of said board may be called at any time on the request of the president or any two members thereof, in writing, delivered to the clerk; and the clerk upon receiving such request shall at once notify each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the

Meetings, time of holding.

Special meetings.

time of receiving such request by said clerk. All the meetings of said board shall be held at the township clerk's office, unless otherwise ordered by a resolution of the board; and all records and papers of said district shall be kept in the custody of said clerk and shall be open to the inspection of any taxpayer of said district.

To be board
of school
inspectors.

SEC. 7. The said board shall be the board of school inspection for said district and shall, as such, report to the clerk of the county of Crawford, in which such township is located, and shall have all the powers and perform all the duties now enjoyed and performed by boards of school inspectors, and the president of said board shall perform all the duties required by law of the chairman of the board of school inspectors, and the board of school inspectors for such township is hereby abolished except as its powers are vested in said board of education.

Power of board
to purchase
sites, erect
buildings.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase school house sites, erect buildings and furnish the same, employ legally qualified teachers, provide books for district library, make by-laws relative to taking the census of all children in said district between the ages of five and twenty years, and to make all necessary reports and transmit the same to the proper officers, as designated by law, so that the district may be entitled to its proportion of the primary school fund; and said board shall have authority to make all needful regulations and by-laws relative to visitation of schools; relative to the length of time schools shall be kept, which shall not be less than five months in each year; relative to the employment of teachers duly and legally qualified; relative to the regulations of schools and the books to be used therein, and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district and the promotion of a thorough education of the children thereof. It shall be the duty of the treasurer of said board to apply for and receive from the township treasurer or other officer holding the same, all moneys appropriated for primary schools and district library of said district.

Money, how
raised for
school pur-
poses.

SEC. 9. At each annual township meeting held in said township, the qualified electors present shall determine the amount of money to be raised by tax for all school purposes for the ensuing year: *Provided*, That in case the electors at any annual township meeting shall neglect or refuse to determine the amount to be raised as aforesaid, then the board of education shall determine the same at any regular meeting thereof, which amount the township clerk shall, within sixty days thereafter, certify to the supervisor of the township, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as other township taxes: *Provided*, That for

purchasing school lots and for erecting school houses, no greater sum than three mills on the dollar of all the taxable valuation of the real and personal property in said township shall be levied in any one year.

SEC. 10. All taxes assessed within said township for school purposes shall be set forth in the assessment roll of said township, in a separate column, apart and distinct from all other township taxes.

School tax to be in separate column.

SEC. 11. The treasurer of the township shall, at any time, at the written request of said board of education, report to said board the amount of school money in his hands, and shall, on the order of the president of said board of education, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt which he shall file with the clerk of said board.

Township treasurer to report to board amount on hand.

SEC. 12. The said board shall annually, prior to the first day of April in each year, make a detailed statement of the number of schools in said district, the number of teachers employed, and the number of pupils instructed therein during the preceding year, and the expenditures of said board for all purposes, and also the resources and liabilities of said district, which report or statement shall be entered at length in the record of said board and shall be publicly read by the president of said board, or in his absence by the clerk thereof, to the electors of said township at their annual meeting on the first Monday of April thereafter, at the hour of twelve o'clock, noon.

Board to make detailed statement, time of.

SEC. 13. All school property, both real and personal, within the limit of the township incorporated as aforesaid, shall, by force of this act, become the property of the public schools of such township, and all debts and liabilities of the primary school districts of said township, as they existed prior to its incorporation under the provisions of this act, shall become the debts and liabilities of said public schools of the township so incorporated.

Property of public schools.

SEC. 14. All money raised or being raised by tax, or accrued or accruing to the school districts of said township, as organized under the primary school laws of this State shall hereby become the money of the public school of the township, and no tax heretofore ordered assessed or levied for school purposes in said township or other proceedings shall be invalidated or affected by means of this act.

Not to be invalidated by this act.

SEC. 15. The compensation of the members of the board of education shall be one dollar and fifty cents for each day's actual service rendered for said district, and the clerk and treasurer of said board shall receive such compensation for their services as the board may determine, not exceeding fifty dollars each per annum.

Compensation.

This act is ordered to take immediate effect.

Approved April 21, 1897.

[No. 403.]

AN ACT to provide for the payment of fees to the county of Bay and the clerk thereof in suits and proceedings in the circuit court for said county.

Amount of fees prescribed.	SECTION 1. <i>The People of the State of Michigan enact, That</i>
Suits at law.	there shall be paid to the clerk of the county of Bay, in the several suits and proceedings in the circuit court for said county, for entry and commencement fees, in the following cases, viz.: In all suits at law commenced in said court, and in all cases prosecuted by writ of <i>certiorari</i> or <i>mandamus</i> , the sum of five dollars, to be paid before the commencement of any such suit, or before the writ of <i>certiorari</i> or <i>mandamus</i> shall be issued. In all suits or proceedings in which an appeal shall have been taken from the probate court, from a circuit court commissioner, from a justice of the peace, or from any other officer or inferior court, the sum of five dollars, to be paid before the entry of any proceedings on the calendars, or other records of proceedings of the court, and no appeal shall be deemed to have been finally perfected until said fees shall have been paid and if the same be not paid on filing the return to the appeal the court may make an order requiring the payment thereof, together with costs of the motion, and if default be made thereon, may dismiss said appeal with costs, including a reasonable attorney fee, for which it may enter judgment against the principal and sureties named in the appeal bond.
Appeal.	
Sale of real estate of infants.	In all the proceedings in chancery for the sale of real estate of infants, lunatics and other incompetent persons, and in all proceedings in chancery to bar the right of dower of insane, imbecile or idiotic married women, and in all proceedings in chancery, commenced otherwise than by filing a bill of complaint, the sum of three dollars, to be paid before the commencement of any such suit or proceeding, the said sum, if the proceeding be not resisted, to be in full for all fees in the cause. In all other suits and proceedings in chancery, including suits for divorce, the sum of three dollars, to be paid before the suit or proceeding is commenced. In all miscellaneous suits or proceedings other than those above specified, commenced in said circuit court, or in which any order of the court may be made, the sum of four dollars, to be paid before the suit or proceeding be commenced in said court, or any record be made in the matter, the said sum of four dollars to be in full of all fees in the cause. And there shall be paid to said clerk, for judgment and decree fees, the following sums, viz.: In all suits at law, and in all cases brought into court by appeal, and the same shall have been tried, or in which the damages shall have been assessed by jury, a judgment fee of four dollars. In all other cases at law, a judgment fee of three dollars.
Divorce.	
Miscellaneous.	
Judgment and decree fees.	

In any suit or proceeding in chancery, a decree fee of three dollars, if there be no answer or other pleadings filed by the defendant, and if there be an answer, or other pleadings filed by the defendant, the sum of five dollars; said fees to be paid before any final decree which shall determine the rights of the parties in the cause, or upon which final process may issue, shall be entered, and said fee shall be paid by the prevailing party. Where a party may be entitled to a judgment or decree, unless the fee be paid immediately, the court may make an order that the same be entered upon payment of said fees. If any such fee be not paid, the court, on application of the clerk, may grant an attachment therefor, with accruing costs against the party from whom the same may be due.

Chancery fees.

Attachment
may issue for
fees.

SEC. 2. If a jury shall be demanded by either party to any suit at law, whether it be brought into said court by appeal, or originally commenced therein, such party shall, at the time of making such demand, pay to the clerk the sum of three dollars, in excess of any and all other sums of money specified in the foregoing section: *Provided*, That in case both parties shall demand a jury, the clerk shall receive such sum from the party first making the demand therefor, and from him only. The sums paid as aforesaid shall be held to be in full of all clerk, entry and jury fees in any such suit from the commencement thereof to and including the issuing of execution or other final process, except that in case any suit shall be appealed from a judgment, decree or other decision, rendered in said court, to the supreme court, the clerk may collect from the party appealing such fees as are now provided by law. The sum or sums paid by virtue of this act shall be taxed as costs of suit in favor of the party paying the same if he be the prevailing party, in addition to any other costs to which he may be entitled by law.

Jury fee.

Who paid by.

Prescribed fees
to be in full.

SEC. 3. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Acts repealed.

This act is ordered to take immediate effect.

Approved April 22, 1897.

[No. 404.]

AN ACT to authorize the common council of the village of Caro, in the county of Tuscola to permit the laying of a railway track, in along and across the streets, highways, alleys and public places in the village of Caro, and the operation of such road by means of steam, electric or other motive power.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the village of Caro, in the county of

Council may
grant use of
streets.

Tuscola be and it is hereby granted power and authority to permit the laying of a railway track and the operation of a railroad by means of steam, electric or other motive power, in along and across the streets, alleys, highways and other public places within said village, and such common council may by a resolution to be adopted at any regular meeting of said common council grant a license or franchise to any person or corporation, and permit him or its successors and assigns the right so to do, in along and across such particular streets, alleys, highways or other public places as may in such resolution be particularly pointed out, specified or mentioned, and over such railway to transport passengers, freight and merchandise, and upon such terms and conditions as to the time for the completion of the road and the taxation thereof as may be therein contained and set forth: *Provided*, That such license or permission shall not affect the right or claim of any person or persons for damages sustained by reason of the location and construction of such railroad: *And provided further*, That no such franchise shall be granted for a longer period than thirty years from the time of the completion of such railway or some part thereof within the limits of said village.

Approved April 22, 1897.

Claim for
damages not
affected.

Limit of fran-
chise.

[No. 405.]

AN ACT providing for four voting districts for the township of Hancock, in the county of Houghton, defining the limits thereof, providing for a new registration of the voters thereof, determining who shall be inspectors of election therein, and to repeal act number three hundred and forty of the local acts of eighteen hundred and eighty-nine, and other acts inconsistent with this act.

Township
divided into
four voting
districts.

Notice of
division.

District num-
ber one.

SECTION 1. *The People of the State of Michigan enact*, That the votes of the township of Hancock, in the county of Houghton, shall be cast in four separate districts at all general, regular and special elections held therein.

SEC. 2. Ten days' previous notice of such division of the township into four voting districts shall be published by authority of the inspection board, by posting written or printed notice of the same, as provided by law for such elections.

SEC. 3. The following described territory in said township shall constitute and be denominated election district number one, to-wit: All the lands of said township lying north and east of the following line; commencing at a point on

the east boundary of said township of Hancock, where the north line of Quincy street of the village of Hancock intersects said boundary line; thence westerly, following the said north line of Quincy street to where it intersects the section line between sections twenty-six and thirty-five, township fifty-five north, of range thirty-four west; thence westerly along said section line, and along the section line between sections twenty-seven and thirty-four, until it intersects the north shore line of Portage lake; thence following the north shore line of Portage lake and the north shore line of the Portage Lake and Lake Superior Ship Canal to the shore line of Lake Superior.

District number two shall consist of all the land of Hancock township not embraced in the territory described above, or in the territory of districts numbered three and four, hereinafter described. District number two.

District number three shall consist of all the lands in said township, embraced in the following described territory, to-wit: Commencing on the west shore of Portage lake upon the section line between section twenty-one and twenty-eight, in township fifty-five north, of range thirty-four west, thence west, on the east and west section line, to the south-west corner of section twenty-three, township fifty-five north, of range thirty-five west; thence northerly, following the west boundary line of sections twenty-three, fourteen, eleven and two, in said township and range, to the shore of Lake Superior; thence northeasterly along the shore of Lake Superior, to the west shore of the Lake Superior Ship Canal; thence southerly, along the west shore of said ship canal and Portage lake, to the place of beginning. District number three.

District number four shall consist of the lands embraced in the following described territory: Commencing at the south-east corner of section thirty-four, township fifty-five north, of range thirty-five west, thence westerly, following the south boundary line of said township, to the west boundary line of said township; thence north, along the west boundary line of said township, to the shore of Lake Superior; thence northeasterly along the shore of Lake Superior, to where the section line between sections two and three, in said township intersects the shore line; thence southerly, following the section line bounding sections three, ten, fifteen, twenty-two, twenty-seven and thirty-four on the west, to the place of beginning, all of said lands being in township fifty-five north, of range thirty-five west. District number four.

SEC. 4. The inspectors of each district shall be as follows: Inspectors for voting districts.
For district number one, the supervisor, one justice of the peace of said township and two electors.

District number two, the township clerk and three electors.

District number three, a justice of the peace of said township and three electors.

District number four, a justice of the peace of said township and three electors.

Electors to choose, viva voce vote.

The electors of each district present at the opening of the polls shall choose the electors who shall serve as inspectors at the election by a *viva voce* vote.

Board of registration, duties of.

SEC. 5. The board of registration of said township shall complete the registration of electors of each district in separate district registers, and shall transcribe to such district register from the township register the names of such electors as they know are qualified electors and residents of such district, and shall cause such district register to be present at every election for the use of each district board of inspectors; and for the purpose of perfecting the registration of electors in any election district, said board of registration shall appoint a resident qualified elector of such district, who shall make and subscribe the oath of office prescribed by the constitution, and said elector, with one of the members of said board of registration, shall hold one or more meetings, not to exceed three in number, of one day each, giving suitable notice thereof, at such time and place in said district as said township board of registration shall direct, and after completing said district registration in the manner prescribed by existing law for the registration of electors, and before the next coming election, shall return said district register to the custody of said township board of registration.

Who to hold meetings.

Notice of.

Register to be returned to township board.

Act repealed.

SEC. 6. Act number three hundred and forty of the local acts of eighteen hundred and eighty-nine, and all public acts, or parts thereof, inconsistent with this act, as far as they shall relate to the voting and registration in Hancock township, are hereby repealed.

This act is ordered to take immediate effect.

Approved April 22, 1897.

[No. 406.]

AN ACT to amend section thirty-seven, of title thirty-three of local act number four hundred twenty-four of the local acts of eighteen hundred and ninety-five being an act to incorporate the city of Traverse City, approved May eighteenth, eighteen hundred and ninety-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section thirty-seven, of title thirty-three, of local act number four hundred twenty-four, being an act to incorporate the city of Traverse City, in the county of Grand Traverse,

approved May eighteenth, eighteen hundred and ninety-five, be and the same is hereby amended to read as follows:

SEC. 37. Any road or part of road, any street or part of street, heretofore laid out, or hereafter to be laid out within that portion of said city lying or being easterly of the western boundary of Barlow street, in said city, may be adopted as a county road under provisions in act number one hundred and forty-nine, of the session laws of eighteen hundred and ninety-three, with the consent and approval, and upon such terms and conditions, as a majority of the council of said city may by resolution or ordinance determine.

Certain street
may be adopted
as a county
road, etc.

This act is ordered to take immediate effect.

Approved April 22, 1897.

[No. 407.]

AN ACT to authorize the city of Grand Rapids to issue its bonds for the improvement of the navigation of Grand river, to provide for the disposal of the proceeds of such bonds, and for the appointment of a board of commissioners to take charge of such improvement, and to prescribe their powers and duties.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for the city of Grand Rapids to improve the navigation of Grand river, and to issue its bonds therefor. This authority shall not only apply to the improvement of the navigation of said river within the corporate limits of said city, but it shall also apply to the improvement of the navigation of said river, at any point or points on the course of said river, between the said city of Grand Rapids and Lake Michigan.

City of Grand
Rapids may
issue its bonds
to improve the
navigation of
Grand river.

Where to apply.

SEC. 2. For the foregoing purpose, the common council of the said city may borrow, on the faith of said city, a sum not to exceed three hundred thousand dollars, (either in one sum at one time, or several sums at several times, as it may deem advisable) for a term of years not exceeding twenty, at a rate of interest not exceeding five per cent per annum, and for such purpose may issue the bonds of the city, signed by the mayor and countersigned by the comptroller thereof, and in such form and sums as the common council may direct; and such bonds shall be disposed of under the direction of the common council of said city, and upon such terms as may be deemed advisable, but not for less than the par value thereof, and the avails thereof shall be applied to the purpose for which the

Council may
borrow on credit
of city.

Limit.

Bonds to be
issued.

same were issued, as above designated and for no other purpose: *Provided*, That nothing in this act contained shall authorize the incurring of such bonded indebtedness against said city of Grand Rapids for the purpose above specified, unless the qualified electors of said city, voting in their respective wards, upon said question, shall have authorized the issuing of said bonds by a majority of their votes cast at any regular election, or at a special election called and authorized by the common council of said city, for the purpose of voting upon such question. If it be deemed best by the common council to raise said sum of three hundred thousand dollars in more than one sum, the question of raising each sum shall be first voted upon by the qualified electors of the city as aforesaid; and *Provided*, That no election under this act shall be held earlier than the month of September, eighteen hundred ninety-eight.

If council desire to raise money in more than one sum.

Proviso.

Council may call special election to submit question.

Proviso.

Notice of submission of question to be given.

Other elections may be called.

Form of ballot.

Sufficient to hold election at one polling precinct in each ward.

SEC. 3. The common council of said city may call a special election, for the purpose of submitting to the qualified electors of said city, voting in their respective wards, the question of bonding the city for the purpose designated in the title of this act: *Provided*, That such vote may be taken at any general election held in said city, subject to the limitations contained in this act, and as the common council of said city may direct. Notice of the submitting of such question to a vote, whether at a general or special election, shall be published in two or more of the daily newspapers of said city, as the common council may determine, one of which shall be the official newspaper of the city, for a period of at least six days before the day of such special election; and such notice shall also be posted in at least ten conspicuous places in each of the wards of said city, for a period of at least six days before the day of such special election. Other elections may be called from time to time as the common council may order, until the entire amount of bonds authorized by this act are voted.

SEC. 4. The form of ballot to be used in submitting to the qualified electors of said city the question of bonding said city for the purpose of improving the navigation of said Grand river, within said city, and between said city and said Lake Michigan, as hereinbefore in this act specified, shall be in substance as follows: "To authorize the city of Grand Rapids to issue its bonds to the amount of thousand dollars, for the improvement of the navigation of Grand river, Yes;" and "To authorize the city of Grand Rapids to issue its bonds to the amount of thousand dollars, for the improvement of the navigation of Grand river, No."

SEC. 5. It shall be sufficient to hold such special election at one polling precinct in each of the respective wards in said city, at a place to be designated by said common council, at least two weeks preceding the day fixed by said common council for the purpose of holding such special election. The

aldermen and supervisors and such other person as the common council may designate in each of the respective wards of said city shall constitute the board of inspectors of election for such special election, two of whom shall constitute a quorum, and such one of their number as they shall appoint, shall be their chairman; said board shall also appoint two competent persons, residents of the respective wards in which they are to act, to be gatekeepers at such special election; each of said persons so appointed, shall take the constitutional oath of office, to be administered by either inspector of said board, who are hereby authorized to administer the same.

Who to be inspectors.

Quorum.

SEC. 6. At any election held under this act, if from any cause, either or all of the inspectors of election shall fail to attend any such election, at the appointed time and place, his or their place may be supplied by the electors present, who shall elect any one of their number *viva voce*, who, when elected, shall be duly sworn by an officer authorized to administer oaths, to a faithful performance of their duty.

In case inspectors fail to attend.

SEC. 7. Any special election held under and by virtue of the provisions of this act, shall be conducted and held between the hours of seven o'clock a. m. and seven o'clock p. m. and in the same manner and under the provisions prescribed and provided for the holding of the annual charter election of and in said city, except as in this act is otherwise expressly provided; and the canvass of votes, and the returning and certifying thereof, and the canvassing by the common council of said city, of the result of such election, shall be conducted and held in the same manner and under the provisions of law prescribed and provided for such matters in regard to the annual charter election of and in said city, except as in this act is otherwise expressly provided.

Special election to be conducted the same as a regular election.

SEC. 8. The common council shall provide for a registration of the qualified electors of said city not already registered, in the respective precincts and wards of said city, such registration to be held on the day preceding the date of such special election, except Sundays and legal holidays, and such registration may be held at one or more suitable places in each of the respective wards of said city, as the common council may designate and determine. Such registration shall be held and conducted, and notice thereof given, in the same manner, and for the same length of time, as now provided by law for holding, conducting and giving notice of registration of electors preparatory to the annual municipal election in said city. The board of registration of each of the respective wards in said city shall take into their possession, on the day fixed for such registration, the registration books of the respective wards of said city and shall, on such day, enter thereon the names of all qualified electors of the respective precincts of any such ward, entitled to vote at such special election, enter-

Registration.

To be conducted the same as at regular election.

Powers of board of registration.

Proviso. ing the name of each elector in the registration book in the respective precincts in which such elector is entitled to vote: *Provided*, That, if such vote shall be had at a general election, no registration therefor shall be required, other than such as may be required for such general election.

If majority of electors favor the bonds council shall issue them. SEC. 9. If a majority of the qualified electors of said city, voting in their respective wards upon such question, shall have authorized the issuing of said bonds by their votes, at any regular election, or at a special election called for the purpose of voting upon such question, the common council of the city of Grand Rapids, shall take immediate steps to prepare the proper bonds, to be signed by the mayor and countersigned by the comptroller, and shall cause the same to be disposed of upon such terms as may be advisable, but not for less than the par value thereof, and the proceeds thereof shall be placed in the city treasury, and by the city treasurer deposited in the city depository as a special fund, and the city treasurer shall open an account thereof under the name of "The Grand River Navigation Improvement Fund."

Money to be expended under the direction of the board of five commissioners. Name. Commissioners to be appointed. SEC. 10. The moneys obtained from the sale of such bonds shall be expended under the direction of a board of five members to be known and designated as "Commissioners for the Improvement of the Navigation of Grand River;" said board shall consist of five qualified electors of said city, who shall be nominated by the mayor thereof, and confirmed by the common council by the votes of a majority of all the aldermen-elect of said council. Within thirty days after the issuance of such bonds, such commissioners shall be appointed for the following term, to-wit: One to be appointed for the term of one year; one for the term of two years; one for the term of three years; one for the term of four years; and one for the term of five years, from the date of the confirmation of such appointment by the common council, unless said improvement shall be sooner completed, or the unexpended balance of said improvement fund covered into the sinking fund of the city treasury, as provided by section twenty-four of this act, and until their successors are appointed and qualified; and it shall be the duty of the mayor of said city to annually appoint, subject to the confirmation of the common council, every succeeding year thereafter a member of said board for the term of five years, and until his successor is appointed and qualified, in place of the member of said board whose term of office will then expire. Vacancies occurring in said board by removal from said city, resignation or otherwise, shall be filled for the unexpired term by the mayor's appointment and confirmation as aforesaid.

Term of office.

Vacancies.

How money to be paid out. SEC. 11. The city treasurer shall pay out money held by him under the provisions of this act, on orders drawn by the secretary of the board of commissioners, countersigned by the

president of the board and the mayor, or in his absence, the president of the common council.

SEC. 12. Said commissioners shall serve without any compensation whatever. No person shall be eligible to appointment to said board unless he shall then be an elector and resident of said city, nor shall any person be eligible who holds an elective office, or any office by virtue of the appointment of the mayor or common council of said city, and any of said commissioners shall be considered as vacating his office, in the event of his accepting or holding any such office.

No compensation for commissioners. Who to be eligible to office.

SEC. 13. Immediately after the appointment, said commissioners and their successors shall file with the city clerk of the city of Grand Rapids, the oath of office prescribed by the charter for city officers, which filing shall constitute an acceptance of the office, and said clerk shall thereupon give to each a certificate of his appointment, and the time thereof, and shall report all such acceptances of office to said common council, at its next regular meeting.

Commissioners to file oath of office.

SEC. 14. Any member of said board, at any time, may be removed by the mayor and common council of said city, for official misconduct, or for unfaithful or inefficient performance of the duties of his office, or for the violation of, or failure to comply with any of the provisions of this act. The proceedings in that behalf shall be entered in the records of the proceedings of said common council: *Provided*, That a copy of the charges against such member sought to be removed, and notice of the time and place of hearing the same, shall be served on him ten days at least, previous to the time so assigned, and opportunity given him to make his defense. No member of said board shall be personally interested either directly or indirectly in any contract for any public work under the control of said board, nor in the purchase, sale or disposition of any material to be used or applied in or about any public work, or improvement under the control of said board. Nor shall any partner of such commissioner, nor any partnership corporation or other association of which such commissioner or the wife of such commissioner is a member, be interested in any such contract, purchase, sale or disposition.

May be removed from office

Provido.

Member not to be personally interested in any contract.

SEC. 15. The common council shall require each of the members of said board to give a bond, in the penal sum of five thousand dollars, with good and sufficient sureties, for the faithful performance of the duties of his office, and faithfully to account for and pay over to the city treasurer all moneys which shall come into his hands as a member of said board; such bonds shall run to the city of Grand Rapids, and be approved by the mayor. If the mayor approve the sureties, he shall indorse on said bond his approval, and it shall then be filed with the city clerk for safe keeping. If any member of said board shall neglect or fail to give such

Members of board to give bond.

Bonds to be approved by the mayor.

If member neglect or fail to give bond.

approved bond within twenty days after being notified of his appointment as such commissioner, he shall be deemed to have resigned and vacated his office as a member of said board, and the vacancy so created may be filled by appointment of the mayor and confirmation of the common council as in other cases.

Commissioners to meet and organize.

SEC. 16. As soon as said commissioners have qualified by filing their oaths of office, they shall meet and organize by electing one of their number to be president of said board, and appointing a person to be secretary and fixing his salary at a sum not exceeding one thousand dollars per annum.

Secretary to be appointed.

Board to keep a record of proceedings.

SEC. 17. Said board of commissioners shall keep a record of their proceedings and determinations, and therein shall be shown the vote of each member voting upon every question brought before and decided by said board, which record shall, at all reasonable times be open to public inspection, and shall be a public record. Three of the members of said board shall form a quorum for the transaction of business and it shall require the concurrent votes of at least three of the members of said board to decide questions before the board involving the expenditure of money, and the approval of contracts. All bonds and contracts shall be filed and preserved in the office of the board.

Record to be open to public inspection.
Quorum.

Powers of board.

SEC. 18. When said board of "Commissioners for the Improvement of the Navigation of Grand River," shall have been duly appointed and qualified, as in this act provided, they and their successors in office, shall have and possess the power to expend the moneys obtained from the sale of the bonds by this act authorized, for the purpose in this act specified, but only in the manner, and subject to the limitations in this act provided.

Council to provide an office.

SEC. 19. The common council of said city shall provide an office for the use of said board and their secretary, with all the necessary furniture.

Meetings.
Duties of secretary.

SEC. 20. Said board shall hold such regular and special meetings as it may from time to time provide. The secretary of said board shall keep an accurate account of all the expenditures ordered by the board, and of all expense incurred by the board in the discharge of its duties in improving the navigation of Grand river, as in this act authorized.

Contracts to be in the name of the city of Grand Rapids.

SEC. 21. All contracts made by said board shall be in the name of the city of Grand Rapids, and be signed by the mayor of said city and the president of said board, after the same shall have been approved by the board. Said board is hereby authorized to commence and prosecute, in the name of said city, any suit or proceedings for the recovery of any penalty or forfeiture incurred by any person under the provisions of this act, or for damages for breach of any contract authorized to be made and entered into by said board, or to enforce the performance of any contract, [and] or to enforce obedience to

May begin suit in name of the city.

the provisions of this act. The city attorney shall be the legal adviser of said board, and he shall perform such services as may be required of him in connection with the duties of the board.

City attorney
to be legal ad-
viser of board.

SEC. 22. No member of the board of "Commissioners for the Improvement of the Navigation of Grand River" shall be personally liable on any contracts made by the board or by the city of Grand Rapids, or growing out of the performance of any work carried on by such board or city: Nor shall the city of Grand Rapids be liable on account of the performance of such work or improvement or any act connected therewith, or on account of any contracts made by it, except through and to the extent of the moneys being in said improvement funds at the time of such final recovery, unexpended and unappropriated.

No member of
board to be per-
sonally liable.

City not to be
liable, etc.

SEC. 23. The board shall make a full and detailed report of all work done by it, and under its direction, and every dollar expended by it, and the state of said fund and the amount of unexpended balance thereof, to the common council at least once in every three months, and the common council may at any time, by resolution, call upon said board to furnish such report, and also a report showing the condition, progress and operation of any work, or improvement or contract being carried forward under or commenced by said board, and it shall be the duty of such board to make such report without unnecessary delay.

Board to make
report to coun-
cil every three
months.

SEC. 24. If any portion of said proceeds remain in the treasury, unexpended in said improvement and not required therefor, the same shall be covered into the sinking fund of city treasury.

Excess of pro-
ceeds to be
covered into
sinking fund.

SEC. 25. Act number three hundred and seventy-seven of the local acts of the year eighteen hundred and ninety-three, entitled, "An act to authorize the city of Grand Rapids to issue its bonds for the improvement of the navigation of Grand river, and for the appointment of a board of commissioners therefor, and to prescribe their powers and duties," approved May ninth, eighteen hundred and ninety-three, is hereby repealed, and all acts or parts of acts conflicting with any of the provisions of this act, are hereby repealed, so far as they affect the provisions of this act.

Acts repealed.

Approved April 24, 1897.

[No. 408.]

AN ACT making the president of the village of Roscommon, in the county of Roscommon, *ex officio*, a member of the board of supervisors of the county of Roscommon.

President of village to be *ex officio* member of board of supervisors.

He shall attend meetings and have a vote.

Compensation.

SECTION 1. *The People of the State of Michigan enact*, That the president of the village of Roscommon, in the county of Roscommon, shall be *ex officio* a member of the board of supervisors of the county of Roscommon, and he shall attend all the meetings of said board of supervisors, and be entitled to vote upon all matters that may be brought before said board of supervisors. For attending all such meetings of the board of supervisors he shall receive the same compensation as is authorized by law to be paid to township supervisors for similar services, to be audited by said board and paid by said county out of the general funds.

This act is ordered to take immediate effect.

Approved April 24, 1897.

[No. 409.]

AN ACT to incorporate the public schools of the township of Foster, Ogemaw county.

Foster township to be incorporated into a single school district.

Corporate powers.

Schools to be free schools.

Officers.

Term of office.

SECTION 1. *The People of the State of Michigan enact*, That the territory embraced in the township of Foster, in the county of Ogemaw, be and the same is hereby declared to be a single school district, which shall be a body corporate, by the name and style of "The public schools of the township of Foster," and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of this state, relating to corporations, so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon school districts and union school districts by the general laws of this State. And all schools in said district and all schools hereafter organized therein in pursuance of this act, under the directions and regulations of the board of education, shall be public and free to all persons actual residents within the limits thereof, between the ages of five and twenty years, inclusive.

SEC. 2. The officers of said district shall consist of the supervisor of the township, who shall not at the same time hold the office of trustee, and four trustees, who shall constitute the board of education of said district; the terms of office of said trustees shall be four years each, and until their suc-

cessors are elected and qualified. Said trustees shall be elected by ballot at the annual township meeting of the township of Foster upon the same ticket and canvassed in the same manner as township officers are required by law to be elected by ballot: *Provided*, That a special election shall be held in said township within sixty days after this act shall take effect, to be held at the same place where the last preceding township election was held, and conducted and canvassed by the same officers and in the same manner as elections for township officers; notice of the time and place of such election shall be given by the township clerk by printed or written notices posted up in five public places in said township at least ten days before the holding of such election. At such special election there shall be elected four trustees of said district by the electors thereof, one of whom shall hold his office until the third Monday of April in the year eighteen hundred and ninety-seven, one for the term of one year, one for the term of two years and one for the term of three years, from the third Monday of April succeeding the first annual meeting provided for by this act, and until their successors are elected and qualified, and their terms of office shall be determined by lot, as provided for justices of the peace in new townships in chapter nineteen of Howell's Annotated Statutes of Michigan; said trustees to be designated on the tickets or ballots, "For members of the board of education."

Proviso.

Officers to be elected at special election.

SEC. 3. Within five days after such special or annual election the township clerk shall notify in writing the persons elected trustees under this act of their election, and within five days thereafter said trustees, so elected, shall take and subscribe the oath of office prescribed by the eighteenth article of the constitution, before the township clerk, or some other officer authorized to administer oaths, and file the same with the township clerk, who shall record the same in the records or proceedings to be kept by said board of education: *Provided*, That in case the township clerk shall fail to give the notice in this section required, then the persons so elected may at any time on or before the third Monday of April succeeding the annual township election at which they are elected, take and subscribe the oath of office and file the same as hereinbefore prescribed; and the term of office of the trustees of said district, other than those elected at such special election, shall commence on the third Monday of April following the annual township election at which they are elected.

Township clerk to notify trustees of election.

Subscribe oath of office.

Proviso.

SEC. 4. The township clerk of the township of Foster shall be *ex officio* clerk of said board of education, and shall perform such duties as the board may require, but shall not be entitled to vote therein, and in case of the absence of said clerk the board may by resolution choose some suitable person to perform such duties.

Clerk of board and duties.

Meeting.

SEC. 5. The said trustees and the supervisor, who shall be *ex officio* president of said board of education, shall meet within sixty days after such special election, and on the third Monday of April in each year at the township clerk's office, and elect from their own number a treasurer, who shall hold his office for one year from said third Monday of April, and until his successor is elected and qualified; and may at any time fill by new election any vacancy that may occur in the office of trustee until the next annual election, and each trustee so chosen shall, within ten days thereafter, file with the clerk of said board the oath of office, as prescribed in section three of this act.

Treasurer,
term of office.

Meetings of
board, quorum.

SEC. 6. The majority of the members of said board shall constitute a quorum, and the regular meetings of said board shall be on the third Monday of April, August, December and March in each year, and no notice of such meeting shall be required, and the president and clerk, or any two members of said board, shall be sufficient to adjourn any meetings from time to time until a quorum be present, and special meetings of said board may be called at any time on request of the president, or two members of said board in writing delivered to the clerk, and the clerk on receipt of such request shall at once notify in writing each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk. All meetings of said board shall be held at the township clerk's office unless otherwise directed by resolution of said board. All the records and papers of said district shall be kept in the custody of said clerk, and shall be open to the inspection of any legal voter of said district.

All property,
money, etc., to
belong to said
public schools.

SEC. 7. All the school property, real and personal, within the limits of the township of Foster, heretofore belonging to the different primary school districts in the township of Foster shall by force of this act become the property of said public schools of the township of Foster hereby organized; and all the credits of all the several primary school districts at the passage of this act shall belong to said public schools of the township of Foster hereby organized, and all the indebtedness of said several primary school districts at the time of the passage of this act shall be assumed and paid by the public schools of the township of Foster hereby organized.

Powers
of board.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase schoolhouse sites, erect buildings and furnish the same, by a majority vote of said district board, and shall have power to employ teachers, provide books for district library, to make by-laws, regulate the taking of the census of all children in said district between the ages of five and twenty years, to make all necessary reports and transmit the same to the proper officers as designated by law so that the said district may be entitled

to its proportion of the primary school fund; and said board shall have authority to make all needful rules, regulations and by-laws relating to visitation of schools, relating to regulations of schools and the books to be used therein: *Provided*, Their acts are not in conflict with any general law relative to text books, and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district and the promotion of the thorough education of the children thereof; and it shall be the duty of such board to apply for and receive from the county treasurer or other officers holding the same, all moneys apportioned for primary schools and the district library of said district, and may adopt such by-laws and rules for their own procedure as they may deem necessary.

SEC. 9. The board of education, at their regular meeting on the third Monday of August in each year, shall make an estimate of and determine the amounts of money deemed necessary to be raised by taxes for the ensuing year for all purposes of expenditures within the powers of said board, which estimates shall specify the amounts required for different objects of expenditures, and such shall be entered in the records of proceedings of said board; and the clerk of said board shall, within twenty days thereafter, make a written report of the amount of taxes estimated and determined to be necessary, and certify the same to the supervisor of said township of Foster, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as other township taxes: *Provided*, That for purchasing school lots and erecting school houses no greater sum than five mills on the dollar of all taxable valuation of the real and personal property of said district shall be levied in any one year, not more than five years from and after the passage of this act, and no greater sum than three mills on the dollar the years thereafter.

SEC. 10. The treasurer of the board shall have the keeping of the school and library moneys and shall not pay out the same without the authority of the board upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president; and said treasurer shall, before entering upon the duties of his office, give a bond to said district in such sum and with such sureties as said board shall determine, conditioned for the faithful performance of his duties and honest accounting for all moneys coming into his hands belonging to said district.

SEC. 11. The said board shall annually, and on the third Monday of March in each year, make a detailed statement of the number of schools in said district, the number of teachers employed and the number of pupils instructed during the preceding year, and the expenditures of said board for all purposes, and all the resources and liabilities of said district

Proviso.

Board to determine amount of money to be raised.

Proviso.

Treasurer to keep school moneys

Board to make statement annually to be read at township meeting, etc.

Meeting.

Treasurer,
term of office.

Meetings of
board, quorum.

All property,
money, etc., to
belong to said
public schools.

Powers
of board.

SEC. 5. The said trustees and the supervisor, who shall be *ex officio* president of said board of education, shall meet within sixty days after such special election, and on the third Monday of April in each year at the township clerk's office, and elect from their own number a treasurer, who shall hold his office for one year from said third Monday of April, and until his successor is elected and qualified; and may at any time fill by new election any vacancy that may occur in the office of trustee until the next annual election, and each trustee so chosen shall, within ten days thereafter, file with the clerk of said board the oath of office, as prescribed in section three of this act.

SEC. 6. The majority of the members of said board shall constitute a quorum, and the regular meetings of said board shall be on the third Monday of April, August, December and March in each year, and no notice of such meeting shall be required, and the president and clerk, or any two members of said board, shall be sufficient to adjourn any meetings from time to time until a quorum be present, and special meetings of said board may be called at any time on request of the president, or two members of said board in writing delivered to the clerk, and the clerk on receipt of such request shall at once notify in writing each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk. All meetings of said board shall be held at the township clerk's office unless otherwise directed by resolution of said board. All the records and papers of said district shall be kept in the custody of said clerk, and shall be open to the inspection of any legal voter of said district.

SEC. 7. All the school property, real and personal, within the limits of the township of Foster, heretofore belonging to the different primary school districts in the township of Foster shall by force of this act become the property of said public schools of the township of Foster hereby organized; and all the credits of all the several primary school districts at the passage of this act shall belong to said public schools of the township of Foster hereby organized, and all the indebtedness of said several primary school districts at the time of the passage of this act shall be assumed and paid by the public schools of the township of Foster hereby organized.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase schoolhouse sites, erect buildings and furnish the same, by a majority vote of said district board, and shall have power to employ teachers, provide books for district library, to make by-laws, regulate the taking of the census of all children in said district between the ages of five and twenty years, to make all necessary reports and transmit the same to the proper officers as designated by law so that the said district may be entitled

to its proportion of the primary school fund; and said board shall have authority to make all needful rules, regulations and by-laws relating to visitation of schools, relating to regulations of schools and the books to be used therein: *Provided*, Proviso. Their acts are not in conflict with any general law relative to text books, and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district and the promotion of the thorough education of the children thereof; and it shall be the duty of such board to apply for and receive from the county treasurer or other officers holding the same, all moneys apportioned for primary schools and the district library of said district, and may adopt such by-laws and rules for their own procedure as they may deem necessary.

SEC. 9. The board of education, at their regular meeting on the third Monday of August in each year, shall make an estimate of and determine the amounts of money deemed necessary to be raised by taxes for the ensuing year for all purposes of expenditures within the powers of said board, which estimates shall specify the amounts required for different objects of expenditures, and such shall be entered in the records of proceedings of said board; and the clerk of said board shall, within twenty days thereafter, make a written report of the amount of taxes estimated and determined to be necessary, and certify the same to the supervisor of said township of Foster, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as other township taxes: *Provided*, That for purchasing school lots and erecting school houses no greater sum than five mills on the dollar of all taxable valuation of the real and personal property of said district shall be levied in any one year, not more than five years from and after the passage of this act, and no greater sum than three mills on the dollar the years thereafter. Board to determine amount of money to be raised.

SEC. 10. The treasurer of the board shall have the keeping of the school and library moneys and shall not pay out the same without the authority of the board upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president; and said treasurer shall, before entering upon the duties of his office, give a bond to said district in such sum and with such sureties as said board shall determine, conditioned for the faithful performance of his duties and honest accounting for all moneys coming into his hands belonging to said district. Proviso. Treasurer to keep school moneys

SEC. 11. The said board shall annually, and on the third Monday of March in each year, make a detailed statement of the number of schools in said district, the number of teachers employed and the number of pupils instructed during the preceding year, and the expenditures of said board for all purposes, and all the resources and liabilities of said district Board to make statement annually to be read at township meeting. etc.

which report or statement shall be entered at length in the records of said board and shall be publicly read by the president of said board, or in his absence by the clerk thereof, to the electors of said township of Foster, at their annual township meeting on the first Monday of April thereafter, between the hours of twelve o'clock noon, and three o'clock in the afternoon.

Treasurer of township to pay money to treasurer of board.

SEC. 12. The treasurer of the township of Foster shall, at any time at the request of the board of education, report to the clerk the amount of school money in his hands, and shall on the order of the president of said board, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt which shall be filed with the clerk of said board.

School taxes to be in separate column from other taxes.

SEC. 13. All taxes assessed within said township of Foster for school purposes shall be set forth in the assessment roll of said township in a separate column, apart and distinct from all other township taxes.

Compensation.

SEC. 14. The compensation of the members, president and clerk of said board shall be one dollar and fifty cents for each day's actual service rendered for such district, to be audited by the said board of education at its regular meetings.

In case township district shall be divided into two or more townships.

SEC. 15. When any township district shall be divided into two or more townships, the existing board of trustees shall continue to act for all the townships until the same have been organized and township boards of trustees duly elected and qualified therein. Immediately after such organization, the township board of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made. When such appraisal has been made, the township boards shall make an equitable division of the existing assets and liabilities of the school district of such former townships, basing their apportionment upon the amount of taxable property in the township divided as shown by the last assessment roll of such former township. When a township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township board of each of the townships shall, immediately after such alteration meet in joint session and make an equitable division of the assets and liability of the school districts of the township from which the territory has been detached, basing their division upon the amount of taxable property as the same shall appear upon the last assessment roll of such township: *Provided*, That whenever any surveyed townships in the present organized township of Foster is set apart and organized as a separate township, the schools in such new township shall be governed by and conducted in accordance with the general laws of the State, relative to public instruction and primary schools.

Proviso.

This act is ordered to take immediate effect.

Approved April 24, 1897.

[No. 410.]

AN ACT to authorize the county of Dickinson, in conjunction with the proper authorities of Wisconsin, to build and maintain a bridge across the Menominee River.

SECTION 1. *The People of the State of Michigan enact, That* in conjunction with the county of Marinette in the State of Wisconsin, or with the Township of Amberg in said county of Marinette, Wisconsin, the County of Dickinson, Michigan, is hereby authorized to construct and maintain a bridge across the Menominee River from some point on section twenty, or on section twenty-one, in township thirty-nine north, of range twenty-nine west, in Michigan, to some point on section seventeen, or on section twenty, or on section twenty-one, in township thirty-eight north, of range twenty-one east, in Wisconsin, and the board of supervisors of said county of Dickinson, by a majority vote of all the members elected to said board, are hereby authorized on the part of said county of Dickinson, to enter into a contract with said county of Marinette, Wisconsin, or with said township of Amberg, for the construction and maintenance of said bridge.

County of Dickinson authorized to build a bridge.

SEC. 2. The board of supervisors of said county of Dickinson are hereby authorized to appropriate and pay from the contingent fund of said county, such part of the cost of building and maintaining said bridge as shall be provided to be paid by said county of Dickinson in and by the contract for the construction and maintenance of said bridge mentioned in the first section of this act.

Board of supervisors to make necessary appropriation.

This act is ordered to take immediate effect.

Approved April 28, 1897.

[No. 411.]

AN ACT to provide for a joint cemetery board for the townships of Little Traverse and West Traverse and the village of Harbor Springs, in the county of Emmet, and to regulate the powers and duties thereof.

SECTION 1. *The People of the State of Michigan enact, That* one person appointed by the township board of Little Traverse, to serve from the date of appointment until the first Monday of May, nineteen hundred; one person appointed by the township board of West Traverse, to serve from the date of appointment until the first Monday of May, eighteen hundred and ninety-nine; and one person appointed by the president of the

Organization of board.

At the expiration of terms president of village to appoint successors.	village of Harbor Springs, by and with the consent of the board of trustees, to serve from date of appointment until the first Monday of May, eighteen hundred and ninety-eight, or until their successors shall have been appointed and enter upon the duties of their office; and before the expiration of their several terms, the respective boards, and the president of the village of Harbor Springs by and with the consent of the board of trustees, shall, on or before the first Monday in April, appoint persons to serve as follows: The township board of Little Traverse shall appoint one person to serve for the term of three years, and a successor each third year thereafter to serve for a like term: The township board of West Traverse shall appoint one person to serve for the term of three years, and a successor each third year thereafter to serve for a like term: The president of the village of Harbor Springs, by and with the consent of the board of trustees, shall appoint a person to serve for the term of three years, and a successor every third year thereafter to serve for a like term, on or before the first Monday of April of the [years] year when such term of office expires. Any appointment which for any cause shall not be made on or before the first Monday in April, may be made at any subsequent regular meeting, or special meeting called for that purpose; but such appointments, whenever made, shall be assumed to date from said first Monday in May. The said persons are hereby constituted members of a board to be known and designated as "The Lake View Cemetery Board," which shall be a corporate body, for the townships aforesaid and the village of Harbor Springs. All vacancies in the above named offices shall be filled in like manner. Acceptance of such appointment shall be in writing and filed with township clerks or village clerk.
Appointment not made before first Monday in April, to date from that day.	
Name. Corporate powers.	
Vacancies, how filled.	SEC. 2. Said board shall organize by electing a president, secretary and treasurer, who shall perform such duties as usually pertain to such offices, respectively.
Organisation.	SEC. 3. Any two members of said board shall constitute a quorum for the transaction of business, and in the absence of the president, may designate one of their number as president <i>pro tem</i> who shall perform the duties of the president, and in the absence of the secretary, may designate one of their number as secretary <i>pro tem</i> , who shall perform the duties of secretary.
Meetings of board.	SEC. 4. Said board shall meet at least twice each year for the transaction of business; one of said meetings shall be held in the second week of May, and said board shall at such meeting determine upon the amount of money, if any, to be raised for cemetery purposes the next ensuing year, and apportion the same to the said townships, <i>pro rata</i> , according to the last assessed valuation thereof, the same to be reported to the townships of Little Traverse and West Traverse for assessment and collection in the next assessment roll of said town-
Duties of board.	

ships, and when collected, said moneys to be paid over to the treasurer of said cemetery board.

SEC. 5. Said board shall have full control and management of the cemetery, located on section eleven in township thirty-five north of range six west, county of Emmet, known as "Lake View Cemetery," and shall take charge of the same when this act shall take effect.

Powers of board.

SEC. 6. Said board shall have the care and management of said cemetery or burial place, and shall direct the improvement and embellishments of the grounds, cause such premises to be laid out into lots, avenues and walks, named and suitable maps and plats thereof to be made, one to be filed in the office of the secretary of said board for public inspection. The board shall fix the price of lots, and the conveyance of certificates of sale of such lots shall be executed by the secretary thereof for and in behalf of said board, and countersigned by the president of said board.

Board to have the care and management of cemetery.

SEC. 7. Said board shall appoint the necessary superintendent, sextons, undertakers and employees for the cemetery, and adopt rules and regulations for the guidance and conduct of its subordinates and employees, expend the money provided for the care and improvements of the grounds and enforce such rules and regulations as may be established by the board for the government and control thereof, and make such regulations for the burial of the dead, care and protection of the grounds, monuments and appurtenances of the cemetery, and the orderly conduct of the persons visiting the grounds as may be necessary and not inconsistent with the laws of the State.

Board to appoint the necessary employees and make rules.

SEC. 8. It shall be the duty of the secretary to keep a true account of the moneys received and disbursed by said board, and to draw orders on the treasurer for the payment of moneys when ordered by the board, and it shall be the duty of the treasurer to pay all such orders, when countersigned by the president, out of any moneys in his hands belonging to the cemetery fund, and to pay none of said moneys except on said vouchers.

Duties of secretary and treasurer.

SEC. 9. The treasurer shall have custody of all moneys and evidences of value. He shall receive all moneys belonging to and receivable by the cemetery board, and keep an account of all receipts and expenditures thereof, and shall exhibit the same to the board as often as may be required. The treasurer shall give a bond to the Lake View Cemetery Board, in such sum and with such sureties as may be required and approved by said board, and shall settle with said board once in each year.

Duties of the treasurer.

SEC. 10. All moneys now in the hands of township treasurers for cemetery purposes, derived from taxation or the sale of cemetery lots, shall be paid over to the treasurer of said cemetery board, who shall have the custody of all moneys collected for or on account of said cemetery, from taxation,

"The Cemetery Fund."

assessments or received from the sale of lots or otherwise, and the same shall constitute a fund to be known and denominated "The Cemetery Fund." Said fund shall not be devoted to any purpose except the purchase of additional grounds for cemetery purposes, and the said treasurer shall pay out no money except in pursuance of and by authority of law and upon orders signed by the secretary and countersigned by the president. Said board shall make detailed statements of the receipts and disbursements thereof, at least once each year, not later than the second week in May, and file a copy with each of the clerks of the foresaid townships.

Board to make annual statements.

Boards of health to turn over all property to cemetery board.

SEC. 11. The boards of health of the townships of Little Traverse and West Traverse shall each transfer and turn over all accounts receivable, plats, books, papers, tools, and implements, pertaining and belonging to said cemetery, to the "Lake View Cemetery Board."

Cemetery board to have all the powers conferred upon boards of health.

SEC. 12. Said cemetery board shall have all the powers and privileges conferred upon township boards of health for the government, control and management of cemeteries, by the laws of this State, not otherwise herein provided for, but said cemetery board shall be governed by the general laws of the State.

May remove member for cause.

SEC. 13. The [townships] township may remove any member, appointed by its own body, for inattention to duties, want of proper judgment, skill or taste, for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation.

This act is ordered to take immediate effect.

Approved April 28, 1897.

[No. 412.]

AN ACT to amend section one of act four hundred fifty-eight, laws of eighteen hundred seventy-one, entitled "An act to provide for the publication of lists of claims allowed by the board of county auditors for the county of Wayne.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number four hundred fifty-eight, public acts of eighteen hundred seventy-one, be amended to read as follows:

Duty of clerk.

SECTION 1. It shall be the duty of the clerk of the board of county auditors for the county of Wayne, within the first ten days of the month of May of each year, and every alternate month of each year thereafter, to prepare an accurate list of all claims allowed by the said board during the then next preceding two months, which list shall exhibit the name of

claimant, the consideration or services, and the amount allowed in each case, which list he shall cause to be published, within five days after it is prepared, in not less than two nor more than four daily, and in at least one and not more than two weekly, papers published in the county of Wayne, to be designated by the said board of county auditors. Said board of county auditors shall not hereafter be required to publish annually a list of claims allowed by them as now provided by law.

Publication to be made within five days.

Annual list not to be published.

This act is ordered to take immediate effect.

Approved April 28, 1897.

[No. 413.]

AN ACT to amend section three of act number ten of the public acts of eighteen hundred and ninety-five, being an act entitled "An act to establish a board of health for the city of Detroit," approved February twenty-seventh, eighteen hundred and ninety-five, and to repeal all acts and parts of acts inconsistent therewith.

SECTION 1. *The People of the State of Michigan enact, That* section three of act number ten of the public acts of eighteen hundred and ninety-five, being an act entitled "An act to establish a board of health for the city of Detroit," approved February twenty-seventh, eighteen hundred and ninety-five, be amended so as to read as follows:

Section amended.

SEC. 3. It shall be the duty of the said board, on or before the fifteenth day of February in each year, to file with the city controller an estimate of the amount of money which, in the opinion of said board, will be required for all purposes of expenditures by said board during the next fiscal year, which estimate shall be in detail, specifying the objects of expenditure, the sums desired for each, and the reasons for the same, which shall be laid by the controller before the common council with the annual estimates. Such estimates, or so much thereof as the common council shall approve, shall be submitted for the approval of the board of estimates of said city, and so much of said estimates as shall be approved by said board of estimates shall be placed on the general assessment rolls, and shall be assessed, levied and collected the same as other city taxes; and such moneys, when so raised, shall be appropriated by said board for the prevention of danger to the public health or other purposes contemplated by this act. In the presence of a great and eminent peril to the public health, by reason of impending pestilence, the said board may report to the common council that in its judgment

Board to file estimate of expenses with controller.

To be submitted to board of estimates.

Council may appropriate money in case of emergency.

Limit of such appropriation.	<p>the security of the public health requires the expenditure of moneys in the then fiscal year in excess of the annual appropriation for the purposes of said board, as above provided, and the common council may thereupon cause to be placed to the credit of said board, such sum of money as may be required, in the judgment of the council, such sum to be taken either from the contingent fund, or the same may be raised by temporary loan, payable within such time as the council may determine, not exceeding three years, and not exceeding in all the sum of one hundred thousand dollars. The money to be so raised or borrowed shall be paid into the city treasury, and shall constitute a fund to be known as the "Public Health Fund." On and after July first, eighteen hundred and ninety-seven, all pay rolls, bills, accounts and claims of every character against the board, shall, after having been duly audited by the board, approved by the president and certified and properly vouchered by the secretary of the board, be transmitted to the city controller, who shall submit the same to the common council, with his approval or disapproval. When said pay rolls, bills, accounts and claims shall have been allowed by the common council, the controller shall draw his warrant (warrants) on the city treasurer therefor: <i>Provided, however,</i> That no bill, account or claim against the board shall be audited or allowed by the board unless the same shall be accompanied with an affidavit of the person rendering the same, that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that, to the best of his knowledge and belief, no off-set exists nor payment has been made on account thereof, except such as are included or referred to in such account or claim, and <i>Provided, further,</i> That the board of health shall, up to and including June thirtieth, eighteen hundred and ninety-seven, draw their check, signed by the president and secretary of the board, upon the city controller, in payment of all pay rolls, bills, accounts and claims allowed by the board, and the city controller shall draw his warrant upon the city treasurer in favor of the person or persons named as drawee in said check, and the city treasurer shall honor and pay said warrants as above provided.</p>
Claims to be submitted to council.	
Claims to be sworn to.	
Claims, how payable	
Acts repealed.	<p>SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed. This act is ordered to take immediate effect. Approved April 28, 1897.</p>

[No. 414.]

AN ACT to provide for making the president of the village of Manistique, *ex officio*, a member of the board of supervisors of Schoolcraft county.

SECTION 1. *The People of the State of Michigan enact*, That the president of the village of Manistique shall be, *ex officio*, a member of the board of supervisors of the county of Schoolcraft, and he shall attend all the meetings of said board and be entitled to vote upon all matters that may be brought before the board of supervisors, and for attending all such meetings he shall receive the same compensation authorized by law to be paid to township supervisors for similar services, to be audited by said board and paid by said county.

Rights of membership.

Compensation.

This act is ordered to take immediate effect.

Approved April 28, 1897.

[No. 415.]

AN ACT to authorize the townships of Hampton, Portsmouth and Merritt, and the incorporated villages in said townships in the county of Bay, to permit the laying of a railway track in, along and across the highways, and the operation of a railway by means of electric or other motive power except steam power, within said townships or either of them.

SECTION 1. *The People of the State of Michigan enact*, That the several township boards of the township of Hampton, Portsmouth and Merritt and the village councils of incorporated villages in said townships, in the county of Bay, or either of them, be and they are severally authorized and empowered, by a resolution adopted at any regular or special meeting of such township board, at which a majority of the members thereof is present to grant to any person or corporation a franchise and license and permit him or it, and his or its successors and assigns to lay a track or tracks, and operate its road with electric or other motive power except steam power in, along and across the several highways of such townships as are or may be mentioned or pointed out in such resolution, and thereover transport passengers, freight and merchandise, and upon such terms and condi-

Who may grant franchise.

tions as to the time for the completion of said road and as to the taxation thereof as may be therein contained and set forth: *Provided*, That no such franchise for the use and occupancy of such highway, and the license to construct and operate such road shall affect the right or claim for damages sustained by any person or persons by reason of the construction or operation of such railway, and *provided further*, That no such franchise shall be granted for a longer period than thirty years from the time of the completion of such railway or some part thereof within the limits of the township granting such permission. But no such grant, or permission, shall entitle the person, firm or corporation to lay their track in the road bed or traveled part of stone, macadamized or made roads in said townships.

When franchise
to be operative.

SEC. 2. If such franchise be granted and such resolution adopted, it shall be operative and binding on said township and the grantee named in such resolution, from the time of its acceptance by the person or company named in such resolution, and which acceptance must be in writing, and within sixty days from the time of holding the meeting of said township board, and filed with the township clerk of the proper township, and such resolution and acceptance shall be by him recorded at length.

To be under
supervision of
commissioner
of railroads.

SEC. 3. Any railway corporation organized or doing business under any license or franchise permitted under this act shall be subject to the supervisory control of the Commissioner of Railroads as provided by act number one hundred and seventy one of the public acts of eighteen hundred and ninety three, and the Commissioner of Railroads shall also have power to make from time to time reasonable rules and regulations for the operation of the railways of such corporation in the conduct of the express business they are authorized to carry on by this act.

This act is ordered to take immediate effect.

Approved April 28, 1897.

[No. 416.]

AN ACT to amend the charter of the city of Lansing, being act number four hundred five of the local acts of eighteen hundred ninety-three, approved May twenty-third, eighteen hundred ninety-three, as amended by act number four hundred fifty-three of the local acts of eighteen hundred ninety-five, approved May twenty-eighth, eighteen hundred ninety-five by amending sections three, six, twelve, fifteen and nineteen of title three; sections thirty-three and thirty-nine of title four; sections fifteen, eighteen and thirty-one of title five; sections two, three, four, six, eight, eleven, twelve, and thirteen of title eleven; sections two, three, nine, ten, sixteen and seventeen of title twelve; sections six and fourteen of title thirteen and section one of title eighteen of said act; adding five new sections to title four to stand as sections forty-six, forty-seven, forty-eight, forty-nine and fifty and repealing title ten of said act and renumbering titles eleven to nineteen inclusive, so as to stand as titles ten to eighteen respectively.

SECTION 1. *The People of the State of Michigan enact, That* title ten of act number four hundred and five of the local acts of eighteen hundred and ninety-three, approved May twenty-third eighteen hundred and ninety-three as amended by act number four hundred fifty-three of the local acts of eighteen hundred ninety-five, approved May twenty-eighth, eighteen hundred ninety-five is hereby repealed; that sections three, six, twelve, fifteen and nineteen of title three; sections thirty-three and thirty-nine of title four; also by adding five new sections to said title four to stand as sections forty-six, forty-seven, forty-eight, forty-nine, and fifty; sections fifteen, eighteen and thirty-one of title five; title eleven by renumbering the same so as to stand as title ten and sections two, three, four, six, eight, eleven, twelve and thirteen of said title eleven; title twelve by renumbering the same so as to stand as title eleven and sections two, three, nine, ten, sixteen and seventeen of said title twelve; title thirteen by renumbering the same so as to stand as title twelve and sections six, and fourteen of said title thirteen; titles fourteen, fifteen, sixteen and seventeen by renumbering the same so as to stand as titles thirteen, fourteen, fifteen and sixteen; title eighteen by renumbering the same so as to stand as title seventeen, and section one of said title eighteen of said act be, and the same are hereby amended so as to read as follows:

Sections
amended.
Title repealed.

TITLE III.

- Election, how conducted.** SEC. 3. Such annual or special election shall be held and conducted in the manner provided by the laws of this State for holding general elections except as is by this act otherwise provided: *Provided*, That nothing in this act contained shall be construed to prevent the city of Lansing from using in any annual or special election such approved design of voting machine as the council may by ordinance or resolution determine.
- Proviso.**
- City officers to be elected at annual election.** SEC. 6. At each annual election hereafter to be held in said city there shall be elected on the city ticket, one clerk and one treasurer who shall hold their offices for one year, but
- As to treasurer.** no person shall be eligible for the office of city treasurer for more than two consecutive years; one city assessor for the term of three years, who shall enter upon the duties of his office on the first day of September next following his election. At the annual election to be held in the year eighteen hundred ninety seven, and each two years thereafter, there shall be elected upon said city ticket a mayor, who shall hold his office for two years and until his successor is elected and
- Ward elections.** qualifies. In each ward, at the annual election, there shall be elected a member of the school board, who shall hold his office for two years; one alderman who shall hold his office for two years; one constable for the first and fourth wards; one constable for the second and third wards; and one constable for the fifth and sixth wards, who shall hold their offices for one year, and until their successors are elected and qualified.
- Justice of peace.** In the year eighteen hundred ninety-nine, and at each fourth annual election thereafter, there shall be elected one justice of the peace for the first and fourth wards, one justice of the peace for the second and third wards, and one justice of the peace for the fifth and sixth wards.
- What officers to be appointed by mayor.** SEC. 12. The mayor shall, on the first Monday of May or as soon thereafter as may be, by and with the consent of the common council, appoint one city attorney, one city auditor, one city engineer, one superintendent of public works, one city physician, one poor master, and so many poundmasters, inspectors of wood, weighmasters, auctioneers, janitors and engineers as the council may from time to time deem necessary, and such other officers as may be necessary to carry into
- Term of office.** effect the powers granted by this act, who shall hold their offices during the pleasure of the mayor, unless removed by the common council by a two-thirds vote. The common council may, by ordinance or resolution prescribe the duties of all officers in addition to those defined in this act. Whenever
- Inability to hold office.** any officer appointed by the provisions of this act, shall, from any cause be unable to perform the duties of his office, the mayor, by and with the consent of the common council, shall

have power to appoint an officer who shall perform the duties of the office until such inability shall cease. Each officer appointed by the mayor shall give a bond to be approved by the common council for the faithful performance of the duties of his office, in such sum and with such sureties as the common council by ordinance or resolution shall determine.

Power of mayor.

Officers appointed to give bond.

SEC. 15. In case a vacancy shall occur in any of the offices in this act declared to be elective, except aldermen, members of the board of education and justices of the peace, the mayor shall, by and with the consent of the common council, fill such vacancy by the appointment of a suitable person, and any officer appointed to fill a vacancy shall hold by virtue of such appointment, only until the first Monday of May next succeeding.

In case of vacancy, except aldermen.

Power of mayor.

To hold office.

SEC. 19. Resignations by any officer authorized to be chosen or appointed by this act, shall be made to the mayor if the office is an appointive one; if elective, to the common council. The resignations of the members of the board of education shall be made to, and accepted by, said board. Neither the resignation nor removal of any officer, nor the appointment or election of another to the office shall be held to release such officer or his sureties from any liability incurred by him or them.

Resignations to be made to mayor.

Proviso.

Further provided.

TITLE IV.

SEC. 33. The common council shall have power to make contracts for the performance of any work to be done or any public improvements to be made in and for said city: *Provided, however,* That whenever the common council shall have decided upon the making of any public improvement under the provisions of Titles X or XI of this act, except in cases otherwise provided, it shall so declare by resolution and the city engineer shall, with all convenient dispatch, determine as to the particular kind and estimate the quantity of materials to be used therefor, and estimate in detail the probable cost and expense of such work, and of the materials to be used therein, and make a record thereof in his office, and shall cause to be prepared, as far as necessary, plans and specifications for such work and improvement, and shall report his determination and estimate to the common council. When such plans and specifications have been submitted to the common council and adopted by it, the council shall, except in the case of the cleaning and deepening of ditches and gutters, the repair of streets and the construction and repair of sidewalks, and other cases where a different method of procedure is expressly provided in this act, advertise for proposals for the furnishing of materials and for the performance of such work, and may require all bidders to furnish security for the performance of said proposals if the bid is

Council make contracts for work to be done.

Proviso.

Who to estimate cost and material.

To report to council.

Council to advertise for proposals.

May require security.
 Bid opened publicly.
 Who to receive contract.
 Council may reject.
 Further proviso.

accepted, and also security for any contract awarded. All bids submitted to the common council shall be publicly opened by it, and the contract for the said improvement shall be let to the lowest responsible bidder, but nothing herein contained shall be construed to prevent the common council from rejecting any and all bids. *And provided further*, That the common council may by a two-thirds majority, order that any such public improvement be constructed by the city without the letting of a contract or contracts therefor, in which case the city may proceed with the construction in the manner herein provided, and all provisions relating to assessments for the cost of such improvements and the collection thereof and all provisions of this act relative to the borrowing of money, bonding the city, or levying of taxes for the payment of such cost, shall apply to the said improvement so made. But if any part of the said improvement or of the furnishing of materials or labor therefor is let to a contractor, it shall be in the manner herein provided.

When let to contractor.

Power of council as to lights.

Proviso as to water mains.

Rules and regulations exercised under.

Streets and alleys how left.

SEC. 39. The common council shall have power to erect gas, electric or other lights, and assess the expenses thereof upon the particular property deemed by the common council to be benefited thereby in the manner provided in title twelve of this act: *Provided, however*, That the right of the State to lay water mains, sewers, gas or other pipes in the usual manner under the streets and alleys of the city or to erect poles and wires for electric lighting or telephone or telgraph service along said streets or alleys or to contract with individuals or corporations to do the same for the convenience of the State for use in connection with any of its grounds or buildings in or near the city is expressly reserved. Such right, however, shall be exercised under the same rules and regulations as are established by the city for its own poles, wires and pipes. All streets and alleys in which such poles or wires are erected or under which such pipes are laid shall be left in as good condition thereafter as when found, and in case the city of Lansing shall at any time in the future put its electric light, telephone or telegraph wires under ground, the State shall do the same.

[TITLE IV.]

All records, etc., to be preserved as public records.

Contracts.

SEC. 46. All books, surveys, field notes, plates, plans, specifications, and other records of every description relative to streets, sewers, public grounds or buildings of the present city of Lansing, shall, together with all future surveys, surveyor's field notes, plates, records, plans, profiles and other papers connected with the public works of the city, be carefully preserved as public records in the office of the city engineer. All contracts for public improvements heretofore lawfully entered into by any person with the city of Lansing,

or any legally authorized board or officers thereof, shall be carried out and completed under the direction of the common council.

SEC. 47. The city may acquire, purchase and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate and own such real estate as may be necessary for public grounds, parks, markets, public buildings and other purposes necessary or convenient for the public good and the execution of the powers conferred in this act; and such buildings or grounds, or any part thereof, may be sold, leased, mortgaged and disposed of as occasion may require.

City may erect buildings, etc.

SEC. 48. When the common council shall deem it for the public interest, grounds and buildings for the city prisons, workhouses, hospitals, pest-houses, cemeteries, water-works and other necessary public uses may be purchased, erected and maintained beyond the corporate limits of the city; and in such cases the council shall have authority to enforce beyond the city limits, and over such lands, buildings and property in the same manner and to the same extent, as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, workhouses or hospitals.

May purchase grounds for prisons, hospitals.

Authority beyond city limits.

May make provision for care of persons confined in prisons.

SEC. 49. The council shall have authority to lay out, establish and enlarge, or vacate and discontinue, public grounds and parks within the city and to improve, light and ornament the same, and to regulate the care thereof, and to protect the same, and the appurtenances thereof from obstruction, encroachment and injury from all nuisances.

Powers relative to laying out parks, public grounds.

SEC. 50. The council shall afford all fire and police protection to property owned by the State and bestow such care and attention as they shall deem necessary upon the streets, crosswalks, sewers and drains located upon the streets and avenues adjoining any of the State's buildings, parks or grounds, and the State Board of Auditors shall annually allow and pay just compensation therefor.

Care of state property

Compensation.

TITLE V.

SEC. 15. The annual assessment of property in the several wards shall be made by the city assessors as herein provided, and the assessor whose term soonest expires, shall be chairman of the board of assessors and shall have the control of the work of said board under the direction of the common council. The assessor whose term of office soonest expires shall by virtue of his office be a member of the board of supervisors of the county of Ingham, and as such member shall exercise the same functions, perform the same duties and

Assessment of property, who to make.

Who to be chairman of board.

To be member of board of supervisors.

Compensation. receive the same compensation as other members of said board of supervisors. It shall be the duty of the city assessors to severally take the assessments and make assessment rolls in such wards of the city as may be designated by the common council, except that in making special assessment rolls the city assessors shall act as a board, a majority of whom shall be competent to make and certify any special assessment ordered by the council. It shall be the duty of the common council at its first meeting in September or as soon thereafter as practicable to designate by resolution the ward or wards in which the city assessors, naming them, shall make the general assessments and assessment rolls for the ensuing year.

Special assessment, assessor to act.

Who to designate wards in which assessments are to be made.

Power and duty of city engineer.

SEC. 18. The city engineer shall have and exercise within the city the like powers and duties as are conferred by law upon county surveyors, and the like effect and validity shall be given to his official acts, surveys and plats as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications, required by the council, boards or officers of the city relating to the public improvements, buildings, grounds, and streets of the city, which shall be filed by him in his office, and shall, at all times, be open to the inspection of any citizen of said city, and have the same validity and effect that usually appertain to public records. The city engineer shall make all surveys required for the laying out, construction, alteration, repair and improvement of streets, sewers, water mains, cemeteries, parks, public grounds and buildings, and prepare all necessary plans, profiles and specifications therefor, and perform the civil engineering work of said city of every description as required by the common council, the superintendent of public works, or by any other lawful authority of said city. Said engineer may, subject to the approval of the common council, appoint such assistants under him as are required for the proper and prompt performance of his duties, and discharge such assistants at pleasure.

May appoint assistants.

Appointive officers.

SEC. 31. All appointive officers in said city shall perform such duties and file such security for the faithful performance thereof as the common council shall by ordinance or resolution direct, the sufficiency of the sureties in each case to be approved by the common council.

TITLE X.

Who to supervise construction and repair of drains, etc.

SEC. 2. The city engineer shall have supervision and charge of the construction and repair of all sewers and drains whenever and wherever ordered by the common council.

When city engineer to devise plan for drainage.

SEC. 3. Whenever it may become necessary in the opinion of the council to provide sewerage and drainage for the city,

or any part thereof, it shall be the duty of the city engineer to devise, or cause a plan of drainage to be devised, for the whole city, or for such part thereof as the council shall determine.

SEC. 4. Such plan shall, under the direction of the council, be formed with a view to the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections; said districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan when prepared, shall be submitted to the council for its approval, and filed in the office of the city engineer.

Division of city into main sewer districts.

Plats, etc., to be submitted to council, where filed.

SEC. 6. The council may, however, provide for main or trunk sewers, without reference to sewer districts. In such case diagrams or plats of such main or trunk sewers shall be recorded in the office of the city engineer, in the book of sewer records. There shall also be kept posted in a book of sewer records an abstract of all proceedings of the common council relating to any sewer and the plans thereof. This provision shall also apply to sewers heretofore constructed.

Main or trunk sewers.

Book of sewer records.

Abstract of proceedings.

SEC. 8. Before proceeding to the construction of any district sewer the city engineer shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, lands, lots and subdivisions thereof in the district, the proposed route and location of the sewer, and the depth, grade and dimensions thereof, and shall make an estimate of the cost. The city clerk shall thereupon give notice by publication for at least five days in one of the daily newspapers of the city, of the intention to construct such sewer, and where said diagram and plat may be found, for examination, and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer.

When diagram and plat to be made.

What to show.

City to give notice by publication.

SEC. 11. When the owners of a majority of the lands liable to taxation in any sewer district, or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall direct the city engineer to construct a district sewer in such location, and if the lands including the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.

Council to construct sewer on petition of owner.

When district shall be formed.

SEC. 12. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises, and to keep such private drains in repair and free from obstruction and nuisance. If such private drains are not constructed and maintained according to such requirement, they may cause the work to be done at the expense of such owner or occupant, and the amount of such

When council may require private drains constructed.

When private drains not constructed.

Expense a lien upon property. expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

Owners may construct private drain. SEC. 13. The owners or occupants of lots and premises shall have the right to connect the same at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the common council shall prescribe.

TITLE XI.

Commissioner of highways, duties of. SEC. 2. The superintendent of public works shall be commissioner of highways for said city, and, subject to the common council, shall have the care and supervision of the highways, sidewalks, streets, bridges, lanes, alleys, parks, and public grounds therein, nor belonging to or occupied by the State; it shall be his duty to superintend the repairing, preserving, improving, cleaning, and securing of such highways, sidewalks, bridges, lanes, alleys, parks and public grounds, and to cause the same to be repaired cleaned, improved and secured from time to time as may be necessary to regulate the roads, streets, highways, lanes, parks and alleys already laid out, or which may hereafter be laid out, and by direction of the council to alter such of them as shall be deemed inconvenient, subject to the restrictions contained in this title; to cause such of the streets and highways in said city as shall have been used for six years or more as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described and recorded in the office of the city engineer of said city, in the book of street records. And the recording of such highways, streets, lanes, alleys or public grounds, so ascertained and described, or which shall hereafter be laid out and established by said common council, and so recorded in the book of street records in the office of the city engineer, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley or public ground therein described. It shall also be his duty, subject to the approval of the council, to divide said city, from time to time, into so many highway districts as the common council shall direct by resolution entered in its minutes.

Presumptive evidence. SEC. 3. The common council shall have power to cause arches and bridges, wells, pumps and reservoirs to be built in any part of the city; to cause the grading, raising, leveling, repairing, amending, paving or covering with stone, plank or other material, any street, lane, alley, highway, public grounds, crosswalk or sidewalk, and to provide for planting and protecting of shade trees along the sides of the streets and public grounds in said city, and to cause any lots, blocks or lands within said city on which, or any part of which, water shall stand and become stagnant, to be raised, filled up or drained. Whenever the common council shall order any of

Council to cause building of bridges, wells, etc.

Sidewalks.

Planting of shade trees.

Drainage of lots.

the improvements that are mentioned in this section, or any section of title eleven of this act, except the construction or repair of sidewalks, and do not determine by resolution that the expense of any such improvement shall be defrayed by the city or ward, then such expense may be assessed and levied upon the lots, premises and subdivisions thereof which are in front of or adjoining such streets, sidewalks or other improvements that may be ordered by the common council, or upon the lots, blocks, or lands which may be in whole or in part filled up or drained; and the common council shall have the power to make all by-laws and ordinances relative to the mode of assessing, levying and collecting any such tax and may provide by ordinance for assessing such tax in the general assessment rolls of the city, which tax shall be and remain a lien upon the land, and if not paid, the land may be sold therefor in the same manner as provided for ordinary city taxes: *Provided*, That no lands or property belonging to the State shall be liable to taxation under any of the provisions of this act: *And provided further*, That when the grade of a street or sidewalk shall have been heretofore, or shall hereafter be established, and improvements shall thereafter be made by the owner or occupant of the adjacent property in conformity thereto, such grade shall not be changed without compensation to the owner for all damages to such property, resulting therefrom, to be ascertained by a jury as provided in title seventeen of this act.

Expenses,
how paid.

Proviso.

Further
proviso.

SEC. 9. Every corrected assessment so ratified and confirmed by the common council as aforesaid shall be final and conclusive. Within ten days after such assessment shall have been so ratified, the mayor shall affix to such assessment and tax roll his warrant for the collection thereof, which warrant shall direct the treasurer to collect the same within the time prescribed by the resolution of the common council, and the said assessment and tax roll with the warrant of the mayor annexed shall be delivered to said treasurer within the ten days aforesaid, who shall thereupon be authorized to levy and collect the same by distress and sale of any personal property in possession of the person chargeable with such tax: *Provided*, That if a majority of the resident taxpayers of this city owning property in any paving district wherein paving shall have been ordered pursuant to the provisions of this act, and liable for taxation for any such paving, shall, prior to the order of the common council directing the mayor to attach his warrant to such tax roll for the collection of such taxes, petition the common council for an extension of the time of payment of such taxes, it shall be within the power of the common council by resolution to extend payment as follows: One-fifth shall be levied by the assessors of such city upon the next succeeding tax roll, one-fifth in one year, one-fifth in two years, one-fifth in three years and one-fifth in four years there-

To be final and
conclusive.

Mayor to affix
warrant to roll.

To be delivered
to treasurer.

Treasurer to
collect.

Proviso.

Extension of
time.

Partial
payments
authorized.

after; and such taxes, together with interest at the rate of six per centum per annum thereon, shall be collected by the treasurer of the city upon warrants of the mayor in the manner as herein provided. The city shall have a lien for the total amount of such taxes and interest which shall attach to the property liable for the same, from and after the date of the warrant for the collection of the first installment thereof, and shall remain until all the installments are fully paid. If the city shall have borrowed money and issued its bonds to pay for any paving for which extension of the time of payment of taxes therefor has been granted by the common council, such taxes annually paid as in this section provided shall be received and kept by the city treasurer in a special fund, to be known as street paving fund, and the taxes so collected and placed to the credit of said fund shall be used for the purpose of paying the bonds issued for said paving, and for no other purpose, and shall be applied as the common council shall direct.

Lien for amount of taxes.
When bonds have been issued.
Special fund.

Proceedings when special assessment insufficient. SEC. 10. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitations prescribed for such assessments, make an additional *pro rata* assessment to supply the deficiency, and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

Assessment of lands of non-residents. SEC. 16. The common council is authorized to assess the lands of non-residents, and unoccupied lands of said city their just proportion of the expenses of all improvements in said city in the same manner, and the amounts so assessed may be collected in the same manner, as assessments for improvements on other lands. It shall in all cases be the duty of the owner of every lot or parcel of land in said city to keep the [sidewalk] sidewalks adjoining his lot or piece of land in good repair, and also to remove and clear away all snow and ice and other obstructions from such sidewalk, and it shall be his duty to build sidewalks in front of or adjoining his premises. If any owner shall fail or neglect to construct a sidewalk adjoining his lot or parcel of land, within such time, not less than ten days, as the common council shall by resolution determine, after the same shall have been ordered by the common council, or shall fail to keep the said sidewalk in good repair, the common council may, without further notice, cause the same to be done, and said construction or repair may be paid for out of the contingent fund of the city, and the council may assess such expense as a special tax on such lands in the next general assessment rolls of said city, and such amount so added, shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and if not paid or col-

Neglect of owner to keep sidewalk in repair.

When council may cause construction of.

lected, the land sold therefor, in the same manner as for general city taxes, and such owners so failing and neglecting to keep such sidewalk in repair, shall be liable in an action brought by the city for all damages which the said city may have paid to any person who may have suffered any injury to himself or property by reason of such non-repair. All sidewalks built shall be made of such material, and be constructed in such manner and of such width, as the common council shall, by a general ordinance, resolution or otherwise direct. The common council shall have power to provide by ordinance for the construction and repair of sidewalks by general contract, or in such other manner as it shall determine.

Liabie for
damages.

Material and
width of walks.

SEC. 17. In all cases of special assessments for local improvements, no orders or warrants shall be issued that will in the aggregate exceed the total expense of such improvement, and in no case shall orders be issued while the work is in progress, to a greater amount than three-fourths of the expense made at the time of issuing the same, to be ascertained from the sworn estimates of the city engineer or other person employed by the common council for that purpose, and no orders shall be paid except out of the fund provided therefor. In case of any reassessment, the whole amount so reassessed shall not exceed the whole amount necessary to defray the expense of the improvement for which such reassessment is made, with the accumulated interest thereon.

Orders not to
be drawn to
exceed assess-
ment.

In case of
re-assessments.

TITLE XII.

SEC. 6. It shall be the duty of the common council, on the fourth Monday in May of each year, or as soon thereafter as may be, to determine by resolution the amount necessary to be raised by tax for the following general purposes in said city, viz: Contingent expenses, fire department, sewerage, paving, the erection of public buildings and the purchase of lands therefor, cemetery, bridges, interest and sinking fund, delinquent tax, and general improvement fund, and for paying any liabilities which may have been incurred by said city. The common council may raise by tax to be levied upon the real and personal property within said city, such amounts so determined, not exceeding seven mills on the dollar (exclusive of the principal and interest on the indebtedness of the city), on the assessed valuation of the real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment rolls of that year, which amounts determined as aforesaid, shall be apportioned among the several wards of the city, according to the valuation of the property in the assessment rolls, as equalized by the board of review of the city, provided for in section three of this title, and the apportionment of the common council shall

Council to de-
termine amount
of tax to be
raised.

Limit of tax
to be raised.

Proviso.

be entered at large on the record: *Provided*, That by a three-fourths vote of all the members elect of the common council, they shall have power to increase the aggregate amount so to be raised to one per cent on the dollar of the assessed valuation of the city; and the common council, in addition to the other amounts herein authorized to be raised, shall determine the amount necessary to be collected in each ward respectively, for ward and highway purposes, not exceeding four thousand dollars in one ward; but all ward and highway taxes shall be placed to the credit of and expended in the ward in which they may be collected; and it shall be the duty of the assessors to levy the sums so apportioned to the respective wards upon the taxable property of each ward, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State. It shall be the duty of the city assessors to levy the sums apportioned to the respective wards for State and county taxes, and such other taxes as may be required by law, upon the taxable property of each ward, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of the State.

Assessors to
levy sums as
apportioned.

In case council
shall deem
necessary to
raise greater
tax.

Whenever the common council shall deem it necessary to raise a greater sum in any one year than the amount specified and limited in this section, they may call a meeting of the resident taxpayers of said city, by giving at least ten days notice in writing or printed hand-bill, to be posted up in six public places in said city, and by publishing said notice in one or more of the newspapers published in the city, which notice shall state the time and place of said meeting, the amount of money to be raised, and the purposes for which it is to be expended, and when said meeting shall be held in pursuance of such notice, it shall be holden from one o'clock p. m., and kept open until seven o'clock p. m. of the same day, and such taxpayers, by ballot, shall determine whether the money shall be raised for the object specified in said notice: *Provided*, That such tax voted at any such meeting shall not in any one year exceed one per cent upon the assessed valuation of the real and personal property taxable within the city, unless otherwise provided in this act; and at all such meetings the common council shall appoint a board of inspectors from their own numbers, to consist of not less than two members, who shall open, conduct, close and determine the result in the same manner that elections for city officers are conducted under or by virtue of this act.

Proviso.

Provided, That such tax voted at any such meeting shall not in any one year exceed one per cent upon the assessed valuation of the real and personal property taxable within the city, unless otherwise provided in this act; and at all such meetings the common council shall appoint a board of inspectors from their own numbers, to consist of not less than two members, who shall open, conduct, close and determine the result in the same manner that elections for city officers are conducted under or by virtue of this act.

Limit of
amount council
may borrow.

SEC. 14. It shall not be lawful for the common council (except as provided in section nineteen of title eleven of this act) to borrow any money or authorize any creation of any liability of indebtedness against said city in any one year exceeding in the aggregate the amount of one per cent of the assessed valuation of the property in said city; nor shall it be lawful

for the city to ever create any indebtedness, bonded or otherwise, which shall with the indebtedness existing from time to time, exceed ten per cent of the assessed valuation of the property of the preceding year; and in case any sum or sums of money shall be borrowed by said common council, the same shall be paid out of the sums raised by tax for such year; if the payment thereof is not otherwise provided, and all sums of money borrowed by said city, shall be applied to the purposes for which the same was borrowed, and for no other purposes whatsoever; but nothing in this act contained shall be construed to prohibit said common council from making assessments and levying and collecting taxes for the purpose of local improvements.

Payment of
loans.

Assessments
for local
improvements.

TITLE XVII.

SEC. 1. It shall be lawful for the city of Lansing to acquire by purchase or construct, operate and maintain works for the purpose of supplying such city and the inhabitants thereof, with electric lighting, on such terms and conditions as the common council shall direct, but the entire expense of any such works shall not exceed the sum of seventy-five thousand dollars. Whenever the common council shall by resolution declare that it is expedient for the city to acquire by purchase, or to construct works for the purpose of supplying the city and its inhabitants with electric lighting, it shall submit to the tax paying electors of the city at a special election for the purpose, the question of borrowing the money therefor, within the limit aforesaid. Such special election to be called and the vote had and determined in the manner provided for in section six of title thirteen of this act. If a majority of the tax paying electors voting at such election shall vote for the borrowing of any sum of money for any such purpose, it shall be lawful for the common council to negotiate such loan, issue the bonds or other evidence of indebtedness of the city therefor, and fix the time and place of paying the principal and interest.

City may ac-
quire electric
light.

Value of.

To be submitted
to tax paying
electors.
Special
election.

Majority vote
prevails.

This act is ordered to take immediate effect.

Approved April 28, 1897.

[No. 417.]

AN ACT to amend section two of chapter two and section sixteen of chapter fourteen and adding two sections to chapter fourteen to be known as sections seventeen and eighteen, of act two hundred and fifty-one of local acts of eighteen hundred ninety-one, as amended by act three hundred and fifty-six of local acts of eighteen hundred ninety-five, entitled "An act to revise and amend the charter of the city of Ishpeming."

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section two of chapter two and section sixteen of chapter fourteen of act two hundred and fifty-one of local acts of eighteen hundred ninety-one, as amended by act three hundred and fifty-six of local acts of eighteen hundred ninety-five, entitled "An act to revise and amend the charter of the city of Ishpeming" be amended so as to read as follows.

CHAPTER II.

Appointed
officers.

SEC. 2. The following officers shall be appointed by the common council on or before the first Monday in May, viz: An assessor, a city attorney, a director of the poor, a pound master, a city marshal, a deputy city marshal and such number of police constables as the council may from time to time deem necessary. A street commissioner shall be appointed by the board of public works and confirmed by the council. The common council may also from time to time provide by ordinance for the appointment of, and may appoint for such term as may be provided in such ordinance, such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The pound master may be removed at the pleasure of the council. The powers and duties of all officers shall be prescribed by ordinance.

Council
may remove
officers at
pleasure.

CHAPTER XIV.

Who to consti-
tute board of
public works.

SEC. 16. The board of water commissioners is hereby constituted a board of public works. In addition to the duties to be performed by said board of water commissioners under the provisions of this chapter, they shall also perform the additional duties of such board of public works, and as such have the management and care of the erection of public buildings, the improvement of public parks, the construction of pavements and other improvements of the streets; the laying

Additional
duties.

of gas pipes, and the erecting of telegraph poles, street railways, telephone poles, and all other street structures; the erection of buildings within the fire limits of the city, the construction, repair and maintenance of all sewers built or to be built in the city, and such other like duties as may arise from time to time for performance by the officers of the city. The said board of public works shall have full charge and authority in the construction and repair of all streets, cross-walks and sidewalks, and the cleaning of all streets and alleys in the city. The street commissioner shall be under the instruction of the board of public works, in the general discharge of his duties.

Repair of
streets, walks.

Street
commissioner.

SEC. 17. The board of public works shall have the authority to employ a superintendent and clerk: *Provided*, That if it is thought advisable the two positions may be held by one individual. The compensation of the superintendent and clerk shall be fixed by the board of public works subject to the approval of the council.

May employ
superintendent
and clerk.

Proviso.

Compensation.

SEC. 18. Whenever a majority of the common council elect deem it advisable they may authorize by resolution the board of public works to issue warrants on the city treasurer, and the city treasurer shall honor the same, for the payment of labor, salaries and material, of the persons and for the material which the board of public works finds necessary to employ and purchase in order to carry out the provisions of this chapter. And for such purpose they may audit such bills as come before them, subject to an annual ratification by the council. Such resolution if passed by the council shall not be subject to the veto of the mayor.

How warrants
issued for labor,
material.

To audit bills.

This act is ordered to take immediate effect.
Approved April 28, 1897.

[No. 418.]

AN ACT to authorize the townships of Grant, Burtchville, Clyde, Fort Gratiot and Port Huron, in the county of St. Clair, to permit the laying of a railway track in, along and across the highways and the operation of a railway by means of electric or other motive power except steam power, within said townships or either of them.

SECTION 1. *The People of the State of Michigan enact*, That the several township boards of the townships of Grant, Burtchville, Clyde, Fort Gratiot, and Port Huron, in the county of St. Clair, or either of them, be and they are severally authorized and empowered at any regular or special meeting of such

Who may grant
franchises.

Claims for
damages not
affected.

Limit of time.

Traveled
portion of road
not to be used.
When fran-
chise becomes
operative.

Commissioner
of railroads to
have super-
vision.

township board, at which a majority of the members thereof is present, to grant unto any person or corporation a franchise and license and permit him or it, and his or its successors and assigns, to lay a track or tracks, and operate its railway with electric or other motive power, except steam power, in, along and across the several highways of such township or townships, as are or may be mentioned or pointed out in such resolution, and thereafter transport passengers, freight and merchandise, and upon such terms and conditions as to the time for the completion of such road, and as to the taxation thereof as may be therein contained and set forth: *Provided*, That no franchise for the use and occupancy of such highway, and the license to construct and operate such road shall affect the right or claim for damages sustained by any person or persons by reason of the construction or operation of such road: *And provided further*, That no such franchise shall be granted for a longer period than thirty years from the time of the completion of such railway or some part thereof within the limits of the township granting such permission. But no such grant, or permission, shall entitle the person, firm or corporation to lay their track in the road bed or traveled part of stone, macadamized or made roads in said township.

SEC. 2. If such franchise be granted and such resolution adopted, it shall be operative and binding on said township and the grantee named in such resolution, from the time of its acceptance by the person or company named in such resolution, and which acceptance must be in writing and within sixty days from the time of holding the meeting of said township board, and filed with the township clerk of the proper township, and such resolution and acceptance shall be by him recorded at length.

SEC. 3. Any railway corporation organized or doing business under any license or franchise permitted under this act shall be subject to the supervisory control of the Commissioner of Railroads as provided by act number one hundred and seventy-one of the public acts of eighteen hundred and ninety-three, and the Commissioner of Railroads shall also have power to make from time to time reasonable rules and regulations for the operation of the said railways of such corporation in the conduct of the business they are authorized to carry on by this act.

This act is ordered to take immediate effect.

Approved April 28, 1897.

[No. 419.]

AN ACT to authorize the townships of Sand Beach, Sigel, Paris, Verona and Bingham, and the villages of Sand Beach and Uby, in the county of Huron, to permit the operation of a railway by means of electric or other motive power except steam power, and the laying of a railway track in, along and across the highways within said townships and villages or any of them.

SECTION 1. *The People of the State of Michigan enact*, That the several township boards of the townships of Sand Beach, Sigel, Paris, Verona and Bingham and the common councils of the villages of Sand Beach and Uby in the county of Huron or any of them, be and are hereby severally authorized and empowered, by resolution adopted at any regular or special meeting of such township board or village council, at which a majority of the members thereof is present, to grant to any person or persons, company or corporation a franchise and license and permit him, them and it and his, their or its successors and assigns to lay a track or tracks, and operate his, their or its road with electricity or other motive power, except steam power, in, along, and across the several highways and streets of such townships and villages as are mentioned or pointed out in such resolution, and thereover transport passengers, freight and merchandise, and upon such terms and conditions as to the time for the completion of said road and as to the taxation thereof as may be therein contained and set forth: *Provided*, That no such franchise for the use and occupancy of such highway and street and the license to construct and operate such road shall affect the right or claim of damages sustained by any person or persons by reason of the construction or operation of such railway: *And provided further*, That no such franchise shall be granted for a longer period than thirty years from the time of the completion of such railway or some part thereof within the limits of the township or village granting such permission. But no such grant or permission, shall entitle the person, firm or corporation to lay their track in the road bed or traveled part of stone, macadamized or made roads in said townships.

Who may grant franchise for railway.

By resolution.

Proviso.

Further proviso.

Traveled portion of road not to be used.

SEC. 2. If such franchise be granted and such resolution adopted, it shall be operative and binding on said township or village and the grantees named in such resolution, from the time of its acceptance by the person or persons, company or corporation named in such resolution, which acceptance must be in writing, and within sixty days from the time of holding the meeting of said township board or village council, and file with the township clerk of the proper township or, the village clerk of the proper village, and such resolution and acceptance shall be by him recorded at length.

When franchise to become operative.

Commissioner
of railroads to
have super-
vision.

SEC. 3. Any railway corporation organized or doing business under any license or franchise permitted under this act shall be subject to the supervisory control of the Commissioner of Railroads as provided by act number one hundred and seventy-one of the public acts of eighteen hundred and ninety-three, and the Commisisoner of Railroads shall also have power to make from time to time reasonable rules and regulations for the operation of the railway of such corporations in the conduct of the business they are authorized to carry on by this act.

This act is ordered to take immediate effect.

Approved April 28, 1897.

[No. 420.]

AN ACT to authorize the townships of Lamotte, Marlette, Moore, Elmer, Argyle, Austin, Greenleaf, Evergreen, Custer, Watertown, Bridgehampton, Washington, Buel, Sanilac, Lexington, and Worth, and the incorporated villages in said townships, in the county of Sanilac, to permit the laying of a railway track in, along and across the highways and the operation of a railway by means of electric or other motive power except steam power, within said townships or either of them.

Who may grant
franchises.

SECTION 1. *The People of the State of Michigan enact*, That the several township boards of the townships of Lamotte, Marlette, Moore, Elmer, Argyle, Austin, Greenleaf, Evergreen, Custer, Watertown, Bridgehampton, Buel, Sanilac, Lexington and Worth, and the village councils of incorporated villages in said townships, in the county of Sanilac, or either of them, be and they are severally authorized and empowered, by a resolution adopted at any regular or special meeting of such township board, at which a majority of the members thereof is present, to grant to any person or corporation a franchise and license and permit him or it, and his or its successors and assigns to lay a track or tracks, and operate its road with electricity or other motive power, except steam power, in, along and across the several highways of such townships as are mentioned or pointed out in such resolution, and there-over transport passengers, freight and merchandise, and upon such terms and conditions as to the time for the completion of said road and as to the taxation thereof as may be therein contained and set forth: *Provided*, That no such franchise for the use and occupancy of such highway and the license to construct and operate such road shall affect the right or claim

Claims for
damages not
affected.

of damages sustained by any person or persons by reason of the construction or operation of such railway: *And provided* Limit of time. *further,* That no such franchise shall be granted for a longer period than thirty years from the time of the completion of such railroad or some part thereof within the limit of the township granting such permission. But no such grant or permission, shall entitle the person, firm or corporation to lay their track in the road bed or traveled part of stone, macadamized or made roads in said townships. Traveled portion of road not to be used.

SEC. 2. If such franchise be granted and such resolution adopted, it shall be operative and binding on said township and the grantees named in such resolution, from the time of its acceptance by the person or company named in such resolution, and which acceptance must be in writing, and within sixty days from the time of holding the meeting of said township board, and filed with the township clerk of the proper township, and such resolution and acceptance shall be by him recorded at length. When franchise to become operative.

SEC. 3. Any railway corporation organized or doing business under any license or franchise permitted under this act shall be subject to the supervisory control of the Commissioner of Railroads as provided by act number one hundred and seventy-one of the public acts of eighteen hundred and ninety-three, and the Commissioner of Railroads shall also have the power to make from time to time reasonable rules and regulations for the operation of the railways of such corporation in the conduct of the business they are authorized to carry on by this act. Commissioner of railroads to have supervision.

This act is ordered to take immediate effect.

Approved April 28, 1897.

[No. 421.]

AN ACT to authorize the townships of Wisner, Gilford, Akron, Fairgrove, Columbia, Almer, Indian Fields, Elmwood, Ellington, Wells, Dayton, Elkland, Kingston and Koylton, and the incorporated villages in said townships in the county of Tuscola, to permit the laying of a railway track in, along and across the highways, and the operation of a railway by means of an electric or other power except steam power, within said townships or either of them.

SECTION 1. *The People of the State of Michigan enact,* That the several township boards of the townships of Wisner, Akron, Gilford, Fair Grove, Columbia, Almer, Indian Fields, Elmwood, Ellington, Wells, Dayton, Elkland, Kingston and Koylton, and the village councils of incorporated villages in Who may grant franchise.

said townships, in the county of Tuscola, or either of them, be and they are severally authorized and empowered, by a resolution adopted at any regular or special meeting of such township board, at which a majority of the members thereof is present, to grant unto any person or corporation a franchise and license and permit him or it, and his or its successors and assigns to lay a track or tracks, and operate his or its road with electric or other motive power, except steam power, in, along and across the several highways of such townships as are or may be mentioned or pointed out in such resolution, and thereover transport passengers, freight and merchandise, and upon such terms and conditions as to the time for the completion of the road and as to the taxation thereof as may be therein contained and set forth: *Provided*, That no such franchise for the use and occupancy of such highway, and the license to construct and operate such road shall affect the right or claim for damages sustained by any person or persons by reason of the construction and operation of such railway, and *Provided further*, That no such franchise shall be granted for a longer period than thirty years from the time of the completion of such railway, or some part thereof, within the limits of the township granting the same. But no such grant or permission, shall entitle the person, firm or corporation to lay their track in the road bed or traveled part of stone, macadamized or made roads in said townships.

Claims for damages not affected.

Limit of time.

Franchise to become operative, when.

SEC. 2. If such franchise be granted, and such resolution adopted, it shall be operative and binding on said township and the grantee named in such resolution from the time of its acceptance by the person or company named in such resolution, and which acceptance must be in writing, and within sixty days from the time of holding the meeting of said township board, and filed with the township clerk of the proper township and by him, such resolution and acceptance shall be recorded at length.

Former grants confirmed.

SEC. 3. Any resolution heretofore passed by said township boards, or either of them, which by its terms confers on any person or corporation, rights hereinbefore contemplated, as to such rights not inconsistent herewith are in all respects confirmed.

Roads to be under supervision of commissioner of railroads.

SEC. 4. Any railway corporation organized or doing business under any license or franchise permitted under this act shall be subject to the supervisory control of the commissioner of railroads as provided by act number one hundred and seventy-one of the public acts of eighteen hundred and ninety-three, and the commissioner of railroads shall also have the power to make from time to time reasonable rules and regulations for the operation of the railways of such corporation in the conduct of the business they are authorized to carry on by this act.

This act is ordered to take immediate effect.

Approved April 28, 1897.

[No. 422.]

AN ACT to detach certain territory from the township of Clement and from the township of Gladwin, in the county of Gladwin, and to organize such territory into the township of Bourrett.

SECTION 1. *The People of the State of Michigan enact*, That surveyed townships number nineteen north of range two east and twenty north of range two east be detached from the townships of Gladwin and Clement, respectively, and that the said surveyed townships be and they are hereby organized into a separate township to be known as the township of Bourrett.

Territory detached.

New township.

SEC. 2. The first township meeting of said township shall be held at the Ellis farm on the second Tuesday of May, A. D. eighteen hundred ninety-seven, and George A. Decker, John B. Bourrett and Myron H. Ellis are hereby made and constituted a board of inspectors of said township election, at which said election the qualified voters shall elect by ballot persons to fill the various township offices in manner and form as provided by the general laws of this State in case of township elections.

First annual meeting, when.

SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time specified for holding the same it shall and may be lawful to hold the same at any time thereafter by giving at least five days notice of the time and place of holding such meeting by posting notice thereof in four of the most public places in said township, which notice may be given by said board of inspectors of election or a majority of them.

When meeting not held at time specified.

SEC. 4. If for any reason all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting at the time specified it shall be lawful for the electors of said township who shall be present at the time designated for opening the polls of said election to choose from the electors present suitable persons to act as inspectors of said election in place of such inspectors who shall neglect or be unable to attend said meeting.

When and by whom inspectors chosen.

SEC. 5. And the said George A. Decker, John B. Bourrett and Myron H. Ellis, or a majority of them, shall constitute a board of registration, with like powers and duties of township boards of registration in other cases, and the holding of the session of the said board of registration shall be at the house of Myron H. Ellis, on the Saturday preceding said election, notice of which may be given in the same manner and for the same time as provided in the case of holding elections in section three of this act.

Board of registration.

SEC. 6. Any liability which attaches to the township of Bourrett by reason of the detaching of either of the surveyed townships composing it from the towns to which they sever-

Liability, how paid.

ally belonged shall be paid from a fund raised by taxes assessed solely upon that surveyed township by reason of whose detachment such liability was incurred.

This act is ordered to take immediate effect.

Approved May 5, 1897.

[No. 423.]

AN ACT to remove bars and obstructions in Maple river, to straighten and deepen the channel thereof, and to authorize an appropriation of lands therefor.

Governor to
appoint special
commissioner.

Oath and
compensation.

Preliminary
survey.

May include
Saginaw
county.

Maps and
plans.

SECTION 1. *The People of the State of Michigan enact*, That the governor shall, by and with the consent and advice of the senate, appoint a special commissioner as provided in the acts for the "drainage and reclamation of swamp lands by means of State roads and ditches," being sections five thousand four hundred and ten to five thousand four hundred and thirty-two, inclusive, of Howell's statutes. The said commissioner so appointed shall take the oath, give the bond, and receive such compensation as provided by the law for the "drainage and reclamation of swamp lands by means of State roads and ditches," above referred to.

SEC. 2. Said commissioner shall make or cause to be made a preliminary survey of Maple river valley, through the [townships] township of Essex, Fulton, Washington and Elba, in the counties of Clinton and Gratiot, with reference to drainage of overflow lands contiguous to Maple river, by dredging and deepening the channel of, said river and constructing ditches or channels across the bends thereof, and locating a State road or roads along the banks thereof, by and with the consent and approval of the highway commissioners in their respective townships traversed by said river: *Provided*, That the provisions of this section may be extended so as to include the county of Saginaw, where it is deemed expedient by the commissioner, appointed as aforesaid.

SEC. 3. The said special commissioner shall prepare, or cause to be prepared, maps or plans, which shall set forth the several points in Maple river proposed to be improved, the nature and character of such proposed improvements, the ditches or channels proposed to be constructed in straightening said stream, the dimensions and depths of such connecting and extending ditches or channels, the acres of land to be reclaimed by such drainage, the State road or roads proposed to be located, together with their character and the necessity

for the same. Such plans or maps shall be submitted to the board of control of State swamp lands, provided for in section three (3) of act number one hundred and seven (107) of the laws of eighteen hundred and sixty-one (1861), being section five thousand four hundred and twelve of Howell's statutes, for its inspection and approval.

To be submitted to board of control of State swamp lands.

SEC. 4. The said board of control shall examine said maps and plans, and consider the feasibility of the improvements proposed; and if, in their judgment, the work should be carried forward, then they shall endorse on said maps or plans their approval, and such approval shall carry with it an appropriation of all lands deeded to the State as provided by section one hundred and twenty-seven of act two hundred and six of the public acts of eighteen hundred and ninety-three, situated in the townships of Elba, Washington and Fulton, in the county of Gratiot, the same being towns nine north, ranges one, two and three west. Said appropriation not to exceed one thousand four hundred acres, and the State Land Commissioner is hereby authorized to withhold from sale all such described lands, from the date of the passage of this act, remaining unsold and not applied for, and all lands that shall be transferred to the State as above, up to the time of hearing before the board of control, provided for in this act, and until the said one thousand four hundred acres are withheld.

Board to endorse approval on maps.

Appropriation of lands.

Land commissioner to withhold lands from sale.

SEC. 5. After the said board of control has passed upon and approved said plans and has made an appropriation of lands as aforesaid for the purpose of carrying out the same, a special commission, consisting of the said special commissioner and the drain commissioners of each of the several counties affected by such improvements, shall, before any contract for the construction of any part of such improvements shall be let, if the cost of the improvements contemplated, including expense of commission, survey, et cetera, shall exceed the amount appropriated by the said board of control, agree and determine upon the just per cent of such excess over the amount appropriated by said board of control which each county shall bear; which shall be in writing and signed by them, and a copy thereof made for each county drain commissioner whose county is affected by said drain. The special commission aforesaid shall have all the powers and perform all the duties imposed upon drain commissioners in section two of chapter six of act number two hundred seventeen of the public acts of eighteen hundred and ninety-five, and shall perform all duties that devolve upon the joint action of county drain commissioners, except in those matters especially delegated to the special commissioner.

Commission to estimate excess of expense.

To have powers of drain commissioners.

SEC. 6. Each county drain commissioner shall thereupon assess, within his own jurisdiction, such amounts as have been determined against the several townships affected by said

Excess to be assessed to townships.

	<p>improvements in such per cent as may be justly charged against them severally, by reason of benefits to the public health, convenience or welfare, and the balance he shall apportion against the lands in proportion as they will be benefited thereby. Each commissioner shall furnish such several assessments to the several clerks of the townships within his own county in which the lands affected, thereby may be situated, and such assessment shall be computed, divided, spread, collected and returned in the same manner, in every respect, as provided in the general drain laws of this State. The taxes for such drains, when collected by the township treasurer, shall be paid over to the county treasurer, to be disbursed by him on the joint order of the commissioners: <i>Provided</i>, That no person shall be assessed to exceed two dollars per acre for lands directly benefited by such drainage: <i>And provided further</i>, That the amount assessed upon townships shall not exceed twenty-five cents per acre for the number of acres reclaimed in the respective townships, except so far as shall be equitable for the construction of contiguous roads provided for in this act.</p>
Limit of taxation.	
Idem.	
When contracts for construction to be let.	<p>SEC. 7. When the said special commissioner shall have completed the survey, the board of control approved the same and made an appropriation as aforesaid, and the said commission has determined the just per cent of the excess of the cost of construction over the amount appropriated by the board of control, which each county shall bear, said commission shall have power to let the contract for making the improvements as aforesaid, to the lowest responsible bidder or bidders, after notice has been duly given as provided in the statute, providing for the construction of said roads and ditches. After receiving satisfactory bond, or bonds, for the completion of the work contemplated according to the terms of contract, it shall be within the discretion of said commission to let said contract as a whole, or to divide the same among several responsible bidders: <i>Provided</i>, That no money shall be paid or lands transferred until said improvements are made in whole or in part, as provided in the plans and specifications of the same.</p>
May be let in parcels.	
Proviso as to payments.	
Method of payment.	<p>SEC. 8. When the assessment roll is completed, the contract or contracts let, and a special tax spread as aforesaid, a majority of the persons whose lands are immediately affected by such improvement may petition the township boards in their respective townships, asking that said tax be paid in ten equal annual installments, and that bonds be issued by the township for a sum not to exceed the amount of the special assessment levied. Such petition being presented to the township board, it shall be the duty of such board to submit to the voters of the township at the next general election, or at a special election called for that purpose, the question of issuing bonds to the amount set forth in said petition. If the question</p>
To be submitted to voters.	

of bonding the township receive a majority of the votes cast at such election, the township board shall issue such bonds, and the same shall be a lien upon the lands assessed for the purpose of such improvements. The money received for such bonds, if the same be issued, shall be turned over to the special commissioner provided for as aforesaid, and shall be disbursed by him the same as though levied and collected as the special tax aforesaid, and the amount of the special assessment, instead of being paid over to the county treasurer as aforesaid, shall be retained by the township treasurer and applied to the payment of said bonds, in such amounts as shall be received by him, at each annual collection of taxes, until such special assessment is fully collected and until such bonds are fully paid.

Money to be
disbursed by
special
commissioner.

Township
treasurer to
pay bonds.

This act is ordered to take immediate effect.

Approved May 5, 1897.

[No. 424.]

AN ACT to authorize the city of Saginaw to borrow money for the purpose of refunding the sewer bonds of the western taxing district, to issue new bonds therefor.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Saginaw be and is hereby authorized and empowered to borrow money on the good faith and credit of said city, not to exceed the sum of thirty-seven thousand five hundred dollars, at a rate of interest not to exceed five per cent per annum and to make, execute, issue, negotiate and sell the bonds of said city in the western taxing district thereof with proper interest coupons attached thereto in such manner as said common council shall determine, which said bonds shall in no case be sold for less than their par value; said bonds are to be sold for the purpose of redeeming and paying the following bonds as they fall due: Nine bonds dated August first, eighteen hundred and ninety-two, being numbers two hundred and seventeen to two hundred and twenty-five, inclusive, payable August first, eighteen hundred and ninety-seven, with interest at five per cent, for five hundred dollars each. Sixteen bonds dated August first, eighteen hundred and ninety-three, numbers three hundred and fourteen to three hundred and twenty-nine, inclusive, payable August first, eighteen hundred and ninety-seven, with interest at six per cent for five hundred dollars each. Sixteen bonds dated August first, eighteen hundred and ninety-three, number three hundred and thirty to three hundred and forty-five inclu-

Amount of
bonds.

Interest.

To be sold not
less than par.

Description of
bonds to be
redeemed.

sive, for five hundred dollars each, with interest at six per cent, payable August first, eighteen hundred and ninety-eight. Twelve bonds dated August first, eighteen hundred and ninety-four, number three hundred and ninety to four hundred and one, inclusive, for five hundred dollars each, with interest at five per cent payable August first, eighteen hundred and ninety-seven. Twelve bonds dated August first, eighteen hundred and ninety-four, number four hundred and two to four hundred and thirteen, inclusive, for five hundred dollars each, with interest at five per cent, payable August first, eighteen hundred and ninety-eight. Five bonds dated August first, eighteen hundred and ninety-five, number four hundred and thirty-one to four hundred and thirty-five inclusive, for five hundred dollars each, with interest at five per cent, payable August first, eighteen hundred and ninety-seven. Five bonds dated August first, eighteen hundred and ninety-five, number four hundred and thirty-six to four hundred and forty, inclusive, for five hundred dollars each, with interest at five per cent, payable August first, eighteen hundred and ninety-eight.

Bonds, how
denominated.

SEC. 2. Said bonds shall be denominated "the sewer bonds of the western taxing district" and the money realized from the sale of said bonds shall be used for no other purpose than the redeeming of the bonds above described. Said bonds to be charged to and paid by the western taxing district of said city.

This act is ordered to take immediate effect.

Approved May 6, 1897.

[No. 425.]

AN ACT to authorize the village of Farwell to compromise and refund its indebtedness.

Authorized to
issue bonds for
refunding
indebtedness.

SECTION 1. *The People of the State of Michigan enact*, That the village of Farwell in said State, acting by its village council, is hereby authorized to execute and issue its money bond or bonds in the amount of not to exceed seven thousand dollars, bearing interest at a legal rate, and running for such a period or periods of years as it may determine, and to deliver the same at any time after the act shall take effect, upon receiving back its certain bonds heretofore issued for the purpose of building water works in the years eighteen hundred and eighty-seven and eighteen hundred and eighty-eight, running for twenty years, and aggregating in amount twelve thousand dollars.

Council
authorized to
levy tax to
pay bonds.

SEC. 2. Said village council is hereby further authorized and empowered to levy a tax of one and one-half per cent per annum on all the taxable property in said village, for the pur-

pose of establishing a fund to pay said bonds with interest thereon, pursuant to their terms; said money so raised to be used for no other purpose. Said power herein given is to expire when said bonds are paid in full.

SEC. 3. Upon receiving back its said bonds, described in the preceding section, the said village council shall cause the same to be forthwith canceled and destroyed. Bonds to be canceled and destroyed.

This act is ordered to take immediate effect.

Approved May 7, 1897.

[No. 426.]

AN ACT to amend section one of chapter twenty-six of act number three hundred and twenty-two of the local acts of eighteen hundred and ninety-three, being an act to incorporate the city of Grand Ledge.

SECTION 1. *The People of the State of Michigan enact, That* section one of chapter twenty-six of act number three hundred and twenty-two of the local acts of eighteen hundred and ninety-three for the incorporation of the city of Grand Ledge, be and the same is hereby amended to read as follows: Section amended.

SECTION 1. Nothing in this act contained shall in any way change or alter the present school district of said city, or the powers and duties of the boards of education of the several districts, but the same shall continue as heretofore, subject to and governed by the general statutes of this State relating to schools and school districts: *Provided, That* all primary, library and other school moneys belonging to or going to school districts numbers nine and eleven, of the township of Oneida, in the county of Eaton, from the State of Michigan, county of Eaton, or from any other source, shall be paid direct to the treasurer of the city of Grand Ledge and by him paid over to the treasurer of said school districts, on the order of the respective boards of education of said school districts for the amounts due their respective districts. Not to alter the present school district.
Proviso as to payment of school moneys.

This act is ordered to take immediate effect.

Approved May 7, 1897.

[No. 427.]

AN ACT to amend act number three hundred and sixty of the local acts of the year eighteen hundred and seventy-one, being an act entitled, "An act to create a fire commission in the city of Detroit," approved March eighteenth, eighteen hundred and seventy-one, as amended by act number three hundred and sixty-four of the local acts of eighteen hundred and seventy-seven, approved May twenty-third, eighteen hundred and seventy-seven.

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That act number three hundred and sixty of the local acts of the year eighteen hundred and seventy-one, the same being an act entitled, "An act to create a fire commission in the city of Detroit," approved March eighteenth, eighteen hundred and seventy-one, as amended by act number three hundred and sixty-four of the local acts of the year eighteen hundred and seventy-seven, approved May twenty-third, eighteen hundred and seventy-seven, be and the same is hereby amended by adding two new sections thereto, to stand as sections thirty-eight and thirty-nine, the same to read as follows:

Leave of absence, time of.

SEC. 38. The leave of absence of all officers of said department above the rank of captain shall be, for each, one day of twenty-four hours off duty in every five days, and a furlough of fourteen days once per year. The leave of absence of all officers and men in said department below the rank of chiefs of battalion, shall be, for each, one day of twenty-four hours off duty in every five days, and a furlough of ten days once per year: *Provided*, That said city of Detroit shall incur no additional expense thereby.

Inconsistent act repealed.

SEC. 39. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 7, 1897.

[No. 428.]

AN ACT providing for the appointment, fixing the compensation, and defining the duties of stenographer for the probate court for the county of Lapeer, and for the taking and transcribing of testimony on examination of persons charged with criminal offenses in the county of Lapeer.

Appointing power.

SECTION 1. *The People of the State of Michigan enact*, That the judge of probate and prosecuting attorney of the county of Lapeer may appoint a stenographer for the probate court

of said county of Lapeer, who shall also take and transcribe the testimony on examination of persons charged with criminal offenses, as hereinafter provided.

SEC. 2. The person so appointed shall hold office during the pleasure of the judge of probate and prosecuting attorney. Term of office.

SEC. 3. It shall be the duty of the stenographer so appointed to attend upon the probate court in all cases when so directed by the judge thereof, or at the request of either of the parties to a cause in said court, and take full stenographic notes of all the testimony and proceedings in such case or cases. Duty of stenographer.

SEC. 4. Whenever any person charged with an offense is held for examination before any justice of the peace in and for said county of Lapeer, it shall be the duty of the said stenographer, if so requested by the prosecuting attorney of said county, to attend upon such examination and take full stenographic notes of the testimony and proceedings thereat. Said stenographer shall also, upon request of the prosecuting attorney, attend examinations before coroners, and shall take such stenographic notes as required by the prosecuting attorney in such examinations, and shall receive such compensation therefore as hereinafter provided for examinations before justices of the peace. Must attend examinations before justices of peace and coroners.

SEC. 5. The stenographer shall, within such reasonable time as the prosecuting attorney shall direct, transcribe his notes so taken on any such examination, making two copies thereof. One copy shall be delivered to the prosecuting attorney and one copy shall be returned to the justice before whom such examination shall have been held, which transcript shall be filed by said justice as a part of his official returns on said examination: *Provided*, That the stenographer shall certify that the testimony so taken is a correct and complete transcript of all the testimony and proceedings on such examination. And it shall not be necessary that the testimony so taken be read over to the witness or witnesses, or that they shall sign the same. Must transcribe notes.

SEC. 6. If the stenographer so appointed under this act shall be occupied in either of said courts, and his services shall at the same time be required in attendance upon the other of said courts, then and in such case the stenographer so appointed under this act shall provide a competent assistant, whose compensation shall not exceed the amount herein provided for the official stenographer of said courts. Copies to be delivered to whom.

SEC. 7. The stenographer shall receive as compensation for his services rendered in said probate court the sum of five dollars for each day and two dollars and fifty cents for each half day, which shall in all contested cases be paid by the parties to the cause in equal proportions, regardless of the disposition of any other costs in the case; security for which payment shall be given if demanded by such stenographer: To provide assistant, when.

Compensation.

Proviso as to witness to will.

When compensation payable.

When either party desires transcript.

When judge of probate requires copy.

When employed in justice court.

Duty of board of supervisors.

Stenographer to take oath of office.

Acts repealed.

Provided, That any compensation due the stenographer for taking the testimony of the subscribing witness to a will shall become a part of the taxable costs against the estate sought to be disposed of by said will. Payment of all sums due the stenographer for services rendered under the provisions of this act shall be made within thirty days of the time such services are completed.

SEC. 8. In case either party to a cause in the probate court shall desire a transcript of the stenographer's minutes, or of any portion thereof, so taken in any cause in said probate court, it shall be the duty of the stenographer to furnish the same to the persons so ordering it, for which he shall be entitled to demand and receive therefor from the parties so ordering such transcript the sum of five cents per folio so transcribed: *Provided*, That in case the judge of probate shall require a copy of the stenographer's minutes, or of any portion thereof, for his own personal use, the stenographer shall furnish three copies of the same, one copy being for the judge of said court and a copy to each of the parties in said cause, for which the stenographer shall be entitled to demand and receive therefor the sum of five cents per folio for each folio so transcribed, but only for one copy, which amount for such transcript shall be paid by each of the parties to the cause paying an equal portion of said amount.

SEC. 9. Whenever a stenographer shall be employed by order of this act in any justice court he shall be entitled to demand and receive the sum of five cents per folio for each folio of the testimony taken and transcribed, but for one copy only, which amount shall be paid out of the county treasury by the county treasurer upon presentation of a bill for the same, providing that the prosecuting attorney shall certify thereon that the account is correct.

SEC. 10. It shall be the duty of the board of supervisors for the county of Lapeer to audit and allow such bill or bills as shall have been certified to by the prosecuting attorney for such county, which may have been paid by the county treasurer out of the county treasury of the county of Lapeer. Before entering upon the duties of said office the stenographer so appointed under this act shall take and subscribe the constitutional oath of office, which shall be administered by the judge of said probate court.

SEC. 11. All acts or parts of acts contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 7, 1897.

[No. 429.]

AN ACT to amend "sections three, four and five of act four hundred twenty-nine of the local acts of eighteen hundred eighty-seven," entitled an act to revise and amend an act entitled "An act to organize the union school district of Bay City," approved April thirteenth, eighteen hundred and eighty-seven, and to add one new section thereto, to stand as section twenty.

SECTION 1. *The People of the State of Michigan enact, That* sections three, four and five of act number four hundred twenty-nine of the local acts of eighteen hundred eighty-seven entitled, an act to revise and amend an act, entitled "An act to organize the union school district of Bay City," approved April thirteenth, eighteen hundred and eighty-seven, be, and the same is hereby amended so as to read as follows; and that one new section be added hereto to stand as section twenty of said act: Sections amended.

SEC. 3. On the first Monday of August next, and each year thereafter, an election shall be held in each of said wards for the election of a member of said board of education for such ward. The voting at such election shall be by ballot, upon which shall be written or printed the name of the person voted for. The board of education shall, at least five days before the time fixed for holding the election, designate the place in each ward where the same is to be held, and give notice thereof by publishing the same one or more times in one or more newspapers published in said city. The members of the board of education for each ward respectively, and the supervisor of such ward, shall constitute a board of inspectors for such election. If there shall be any vacancy in such board of inspectors, or if either member therefor shall fail to appear at the time appointed for the opening of the polls of such election, or, if having appeared, he shall refuse or neglect to act, then the electors present at the polls at that time shall, by a *viva voce* vote, appoint a suitable person to fill such vacancy, and the person or persons so appointed shall constitute the board of inspectors. The inspectors shall appoint a clerk, who shall keep a record, wherein he shall enter the names of all persons voting at said election. Neither the inspectors or clerk shall receive any compensation for their services. The inspectors shall open a poll and receive the ballots of all persons entitled to vote at such election. The polls of such election shall be opened at two o'clock in the afternoon and continue open until seven thirty o'clock in the evening; after the close of the poll, the ballots shall be counted and canvassed by the inspectors. The person receiving the highest number of votes at such election shall be deemed and declared to be duly elected member of the board of education. The inspectors Election of board of education.

Notice.

Inspectors.

Vacancies.

Clerk.

Compensation.

Manner of conducting election.

Act governing
election.

When new
ward formed.

Canvass of
votes.

Who entitled
to vote.

Proviso as to
question of
loans.

Proceedings in
case of chal-
lenge.

shall thereupon forthwith prepare a certificate showing the result of the election, which shall be signed by them or by a majority of them. They shall also, at the same time, seal up the ballots cast at said election, and within two days thereafter deliver said certificate and said ballots to the recorder of the city, who shall file and keep the same in his office. The package containing the ballots shall not be opened except upon the order of the board of education, or of any court having jurisdiction in the premises. The board of education may order the destruction of said ballots at any time after the expiration of one year from the date of holding said election. All the provisions of the act incorporating Bay City relating to the election of aldermen in said city, so far as the same may be applicable, shall govern as to the manner of holding said election, canvassing and returning the vote, except as in this act otherwise provided. If a new ward shall be created in said city, the board of education shall order the holding of a special election in such ward, at the time and place to be designated by the board, and give at least fifteen days' notice thereof and publish the same one or more times in one or more newspapers published in said city, and shall appoint three reputable persons in such ward to be inspectors of election, but if either of the persons so appointed shall refuse or neglect to serve as such inspector, then the electors present at the time for opening the poll, shall fill the vacancy as hereinbefore provided. The election shall be conducted, the votes canvassed and return thereof made to the recorder in the same manner and subject to the same regulations as herein provided in the case of the annual election.

SEC. 4. Every person of the age of twenty-one years whose name appears on the assessment roll of the city for the year preceding the election at which he or she offers to vote, or who is a parent or legal guardian of any child entitled to attend the schools of said city, and who has resided in the city for three months next preceding the day of said election, and in the ward in which he or she offers to vote for twenty days next preceding the day of said election shall be entitled to vote in such ward for member of the board of education: *Provided*, That if the question of raising money for said district by loan shall at any time be submitted to be voted upon by the electors at an annual election, or at a special election called for that purpose, as hereinafter provided, only persons whose names appear on the assessment roll for the year next preceding such election shall be entitled to vote in respect to such loan.

SEC. 5. If any person offering to vote at said election shall be challenged as unqualified by any legal voter in said ward, one of the inspectors shall declare to the person challenged the qualifications of a voter, and if such person shall state that he is qualified and the challenge shall not be withdrawn, one of the inspectors shall tender to him an oath, in substance as

follows: "You do swear (or affirm) that you are twenty-one years of age; that you have been for the last three months an actual resident of Bay City and for the last twenty days an actual resident of this ward, and that you have been assessed for school taxes in said Bay City, for the preceding year." And every person taking such oath shall be permitted to vote at said election, both for member of the board of education and upon questions involving the raising of money by loan. Or the person so challenged may take the following oath: "You do swear (or affirm) that you have been for the last three months an actual resident of Bay City and for the last twenty days a resident of this ward, and that you are a parent or legal guardian of one or more children entitled to attend the schools of said city." And the person taking such oath shall be permitted to vote for member of the board of education, but shall not be permitted to vote upon questions involving the raising of money. If any person so challenged shall refuse to take such oath, his vote shall be rejected; and any person who shall take a false oath or make a false affirmation under the provisions of this section shall be deemed guilty of perjury, and be subject to the pains and penalties thereof.

Refusing to
take oath, vote
rejected.

Sec. 20. At the first regular meeting of the board held after the school election, the board shall elect one of their number president and another vice president. The president shall preside at all meetings of the board, and shall possess the powers and perform the duties provided for in the by-laws and ordinances of the board. In case of the death, continual absence from the city or resignation of the president, or in case of his inability to perform the duties of his office, the same shall, for the time being, devolve upon the vice president. No member of the board shall be personally interested in any contract with the board or with the union school district of Bay City, nor interested in any way in the sale of any property, either real or personal, to said board, or to said union school district, and no member shall vote on any question in which he shall be personally interested, but on all other questions he shall vote unless excused by the unanimous consent of the board. The board may, from time to time, by a two-thirds vote of all the members elect, adopt such by-laws, ordinances and rules as are not inconsistent with this act. The president or vice president when acting as president, may file with the clerk of the board his objections in writing to any by-law, ordinance, resolution, motion or order of the board within five (5) days after the passage or adoption of the same, setting forth the reasons for his disapproval thereof, and in such case such by-law, ordinance, resolution, motion or order shall not become operative or take effect unless again passed or adopted by such vote as such by-law, ordinance, resolution, motion or order required by law for its adoption.

President and
vice president.

Duties of.

Members not to
be interested
in contracts.

Rules, by-laws.

President may
exercise veto
power.

This act is ordered to take immediate effect.

Approved May 7, 1897.

[No. 430.]

AN ACT to legalize the return made by the county treasurer of Mason county, of the delinquent taxes of said county, for the year one thousand eight hundred ninety-five, and to provide for the collection of such delinquent taxes.

Return of treasurer legalized.

SECTION 1. *The People of the State of Michigan enact*, That the Auditor General is hereby authorized to accept the return made by the county treasurer of Mason county, and filed in the office of the Auditor General on the ninth day of July, eighteen hundred ninety-six, for the delinquent taxes of said Mason county for the year eighteen hundred ninety-five, and that such return and all proceedings thereunder shall have the same legal force and effect as though such return had been made and filed within the time limited therefor in section fifty-seven of act two hundred six of the session laws of eighteen hundred ninety-three, and the various acts amendatory thereof, and the Auditor General is further authorized to take the same proceedings for the collection of such delinquent taxes and to enforce the liens created thereby as though such return had been made and filed with said Auditor General within the time limited by said act two hundred six for the return and filing of report of said county treasurer of Mason county of said delinquent taxes.

Authority of auditor general.

This act is ordered to take immediate effect.

Approved May 7, 1897.

[No. 431.]

AN ACT to provide for the construction of a drain in the townships of Albee, Spalding, Bridgeport and Taymouth in the county of Saginaw, and to authorize the board of control of the State swamp lands to make an appropriation of State swamp lands for that purpose.

Examination of lands.

SECTION 1. *The People of the State of Michigan enact*, That the board of control of State swamp lands be and is hereby authorized to cause an examination to be made of the lands situate in the townships of Albee, Spalding, Bridgeport and Taymouth in the county of Saginaw.

Who to determine the necessity of constructing drain.

SEC. 2. If in the judgment of the said board of control after such examination has been made they deem it necessary that a drain be constructed in the hereinbefore mentioned townships for the purpose of drainage and the benefit of the public health, the said board of control is hereby authorized and

empowered to appropriate not to exceed three thousand acres of State swamp lands, not otherwise appropriated, therefor, and to cause the same to be constructed and said lands shall be selected within sixty days after this act takes effect, and no swamp land scrip shall issue therefor, and the land so selected shall be taken from the market for the purpose of carrying out the purposes of this act.

Appropriation
of State swamp
lands.

When to be
selected.

This act is ordered to take immediate effect.

Approved May 13, 1897.

[No. 432.]

AN ACT to amend section thirteen of act number eighty-four of the local acts of eighteen hundred and sixty-one, being an act entitled, "An act to incorporate the city of Coldwater," approved February twenty-eighth, eighteen hundred and sixty-one, as amended by the several acts amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith.

SECTION 1. *The People of the State of Michigan enact*, That section thirteen of act number eighty-four of the local acts of the year eighteen hundred sixty-one, being an act entitled, "An act to incorporate the city of Coldwater," approved February twenty-eighth, eighteen hundred sixty-one, as amended by the several acts amendatory thereof, be, and the same is hereby amended so as to read as follows:

Sections
amended.

SEC. 13. The common council shall have full power and authority to construct, repair and preserve sewers, drains, wells and reservoirs, and to provide for supplying such reservoirs with water; to cause bridges to be built or repaired; to make by-laws and ordinances to regulate the weighing of hay and the measuring of fire-wood, and for that purpose may appoint some proper person to measure all fire-wood brought into the city for the purpose of sale in the streets or public grounds; and also relative to drays, carts, hacks, and other vehicles kept for the transportation of persons and property in said city, and prescribe the amount of charges for their services; and to designate the stands for the sale of hay, wood, produce, and other things exposed for sale in the streets or public grounds; and also for the regulation of a city market; also relative to the powers, duties and compensation of the officers of said corporation (subject to the restrictions contained in this act); relative to the calling of meetings of the electors of said city; and also to provide for taking a census of the inhabitants of said city whenever the common council may see fit, and to direct and regulate the same; also relative

Powers of
council rela-
tive to drains,
sewers.

Hay and wood.

Hacks, drays
and carts.

Stands for sale
of hay, wood
and produce.

Relative to
compensation
of officers.

To call meet-
ings of electors.
Census.

Licensing exhibitions.	to the licensing of show-men and other exhibitions, where money or other consideration is demanded or received for admission, and to fix the amount of said license; to provide for the collection and disposition of all fines and penalties which may be incurred under the by-laws and ordinances of said city; to regulate the setting of awning and other posts, and shade trees in the streets and other public places in said city; to cause the streets, alleys, and public squares to be paved, and also to cause sidewalks to be constructed and repaired, when and where and in such manner as they shall deem necessary and proper, and to cause the necessary grading for such work to be done; and to cause the expenses of constructing or repairing sidewalks and the whole or such part of the expenses of paving said streets, alleys and public squares as the council shall determine and the necessary grading therefor to be assessed on the lot, lots or premises adjoining or abutting upon such streets, sidewalks, public squares or other premises benefited thereby after or before the same shall be constructed or repaired, but such part of the expenses of paving said streets, alleys and public squares as the council may determine may be paid from the general [funds] fund of the city. Such expenses for constructing or repairing sidewalks and such part of the expenses of paving and grading said streets, alleys and public squares as may be determined by the council and so assessed on the lots or premises adjoining or abutting upon such streets, sidewalks or public squares or other premises benefited thereby shall be deemed to be a special assessment upon such lot, lots or premises. In the making and enforcement of any such special assessment, the common council may proceed to assess the premises, <i>pro rata</i> , fronting or abutting upon such improvement according to such frontage or abutment thereon; or the common council may cause such expense or any part thereof to be defrayed by special assessment upon the lots and premises included in a special assessment district, constituted of the lands fronting or abutting upon that part of the street, alley or public squares so improved or proposed so to be; or constituted of the lands fronting or abutting upon such improvement, and such other lands as in the opinion of the council may be benefited by the improvement, and the common council may add the same, or cause the same to be added to the amount of the general city tax on such lots or premises, in the proper tax roll next thereafter to be made, and the amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and (if not paid) the land sold therefor, in the same manner as for ordinary city taxes; and upon any sale of land for taxes, the city may become a purchaser thereof the same as any other person, and the common council may pass all needful by-laws and ordi-
Fines and penalties.	
Shade trees.	
Sidewalks, construction and repair.	
Streets, alleys.	
Expense, how may be paid.	
What deemed a special assessment.	
May assess premises <i>pro rata</i> .	
May be added to general tax.	
Shall be a lien on premises.	
Tax, how collected.	

nances in relation to the assessment and collection of the expenses thereof, and the manner of ascertaining the amount of such expense, and in relation to giving notice, requiring such work to be done, both to resident and non-resident owners or occupants of such lots or premises. The expenses of street crossings and cross walks shall be defrayed from the general fund of said city; they may also fix and establish the grades of all such streets and side-walks, and also establish lines upon which buildings may be erected, and beyond which such buildings shall not extend, and to make all such other by-laws and ordinances as they may deem proper and necessary for the safety, order and good government of said city, and to promote the prosperity and improve the condition of the inhabitants thereof, not inconsistent with the laws and the constitution of this State, and the constitution of the United States, and to impose fines, forfeitures, and penalties [on] of all persons offending against the by-laws and ordinances made as aforesaid: *Provided*, That no by-law or ordinance shall impose a fine exceeding one hundred dollars, nor subject the offender to imprisonment in the county jail exceeding ninety days: *And provided further*, That all proceedings of the common council shall be published in one or more newspapers published in said city; and all ordinances shall take effect in fourteen days after their passage, unless some other time is provided for therein; but no by-law or ordinance shall take effect until the same shall have been published for two weeks successively in one or more newspapers published in said city. Whenever the common council shall establish a public library and reading-room for the use and benefit of the inhabitants of said city, under the provisions of act number one hundred and sixty-four of the public acts of the laws of eighteen hundred seventy-seven, it shall be competent and lawful for the mayor of such city, with the approval of the common council, to appoint upon such board of nine directors mentioned in section second of said act, such number of women of lawful age, and residents of said city, as such mayor and common council shall deem proper. It shall also be lawful and competent for such board of directors, by and with the consent of the board of education of said city of Coldwater, to consolidate the school library of said city with the public library aforesaid, and place the same under the sole and absolute control of such board of directors; and all the books and property of such school library shall thereupon vest in said board of directors for the use and benefit of the inhabitants of said city. And all moneys arising from fines, penalties, forfeitures, and recognizances, or from any other source, now payable to the said board of education for the use and benefit of such school library shall, after such consolidation, be paid to such board of directors, and such board shall have the same power to receive and compel payment of all such moneys

Street crossings and cross walks.

Buildings, lines to be erected on.

To make ordinances and by-laws.

Proviso as to limit of fine and imprisonment.

Further proviso.

Library, reading room.

Who to appoint board of directors.

May consolidate school with city library.

Disposal of moneys from fines.

When may
consolidate
ladies library.

as is now vested in such board of education. It shall also be competent and lawful for such board of directors, with the consent of the board of directors of the Ladies' Library Association of the city of Coldwater, to consolidate such Ladies' Library Association with the said public library for the use and benefit of the inhabitants of said city, and to take and hold all the books and property of the said Ladies' Library Association.

What by-laws
and ordinances
are valid and of
full force.

SEC. 2. All ordinances and by-laws passed by the common council of said city of Coldwater since the amendment to said section thirteen of said act number eighty-four by act number four hundred and forty-five of the local acts of eighteen hundred and ninety-five are hereby declared to be, and they are valid and of full force and effect the same as if said act number eighty-four had not been so amended by said act number four hundred forty-five of the local acts of the year eighteen hundred ninety-five.

Acts repealed.

SEC. 3. All acts and parts of acts in anywise contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 13, 1897.

[No. 433.]

AN ACT to organize the union school district of the township of Forest, in Cheboygan county.

Territory to
form school
district.

SECTION 1. *The People of the State of Michigan enact*, That the territory embraced within the limits of the township of Forest in Cheboygan county, to-wit: townships numbered thirty-three north of range one east and thirty-four north of range one east shall constitute one school district, which shall be a body corporate by the name and style of the "Union School District of the Township of Forest," and by that name may sue and be sued, and shall be subject to the general laws of this State relative to corporations, so far as the same may be applicable, and such district shall have all the powers and privileges conferred upon school districts by the general laws of this State, and all general provisions of law relating to common or primary schools shall apply and be in force in said district, except such as shall be inconsistent with this act. The officers of said district shall be three trustees, the clerk of said township and the township treasurer. Said trustees and the township clerk shall constitute the board of education of said district.

Subject to
general laws.

Officers.

Board of educa-
tion, who to be.

Annual
meeting.

SEC. 2. The annual meeting of said school district shall be held on the first Monday of September in each year. The

first meeting after this act shall take effect shall be held at such place and at such hour as the township board of the township of Forest may designate, and the clerk of said township shall give notice of such meeting by posting notice thereof in at least five of the most public places in said township at least eight days previous to such meeting. The supervisor and the township clerk of said township shall be the inspectors of election at said first annual meeting, canvass the votes, and declare the result thereof. At such first meeting there shall be chosen by ballot three trustees, one to serve for the term of one year, one for the term of two years and one for the term of three years; and at subsequent annual meetings one for the term of three years. Subsequent annual meetings shall be held at such place and hour as the board of education may determine, and the president and clerk of said board shall be the chairman and clerk of such subsequent meetings, canvass the votes and declare the results of all elections, but in the absence of such officers the electors present shall elect suitable persons to perform the duties of such offices.

Who to give notice of.

Who to be inspectors of first annual election.

What officers to be chosen.

Subsequent annual meetings.
Who to canvass votes and declare results

SEC. 3. Within ten days after the annual election the township clerk shall call a meeting of the board of education at which time the trustees shall meet and the board elect from their number a president, who shall be the chairman and the executive officer of said board. Process shall be served on him in all suits against said district, and he shall have the care and management over the affairs, and property of said school district. He shall receive for his services such sum as the board of education may determine, but not to exceed twenty-five dollars annually. The clerk may receive not to exceed fifteen dollars annually. No other officer or member of the board shall receive pay or compensation. The township clerk shall be *ex officio* a member of said board, and entitled to a vote in all cases. In the absence of the president at any meeting, a majority of the members present may choose one of their own number president *pro tem*. In the absence of the clerk the board may choose some suitable person to perform his duties. Said board shall have power to fill vacancies that may occur in the office of trustee until the next annual election, to prescribe rules for its government and the government of schools, teachers, students and employes of said district, and shall be vested with all the powers and duties, not inconsistent with this act, that are by law conferred upon the boards of trustees of primary schools.

When meeting of board of education to be called.

Who process to be served upon.

Compensation of president and clerk.

President pro tem.

Powers of board to fill vacancies.

SEC. 4. The township treasurer shall have the keeping of all school and library moneys, and shall not pay out the same without the authority of the board upon warrants or orders drawn upon him, signed by the clerk and countersigned by the president and designating the particular fund out of which the same shall be paid.

Who to have control of school and library money.

To succeed to
rights and
liabilities.

SEC. 5. The union school district of the township of Forest shall succeed to all the rights, property, effects and liabilities of the school districts within said township.

This act is ordered to take immediate effect.

Approved May 14, 1897.

[No. 434.]

AN ACT to organize the union school district of the township of Waverly, in Cheboygan county.

Territory to
form school
district.

SECTION 1. *The People of the State of Michigan enact*, That the territory embraced within the limits of the township of Waverly in Cheboygan county, to-wit: Township numbered thirty-five north of range one east and sections one, two, three, ten, eleven, twelve, thirteen, fourteen, fifteen, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty-four, thirty-five, and thirty-six, of township numbered thirty-five north of range one west shall constitute one school district, which shall be a body corporate by the name and style of the "Union School District of the Township of Waverly," and by that name may sue and be sued, and shall be subject to the general laws of this State relative to corporations, so far as the same may be applicable, and such district shall have all the powers and privileges conferred upon school districts by the general laws of this State, and all general provisions of law relating to common or primary schools shall apply and be in force in said district, except such as shall be inconsistent with this act. The officers of said district shall be two trustees, the clerk of said township and the township treasurer. Said trustees and the township clerk shall constitute the board of education of said district.

Subject to
general laws.

Officers.

Board of educa-
tion, who to be.

Annual
meeting.

Who to give
notice of.

Inspectors of
first annual
election.

Officers to be
chosen.

SEC. 2. The annual meeting of said school district shall be held on the first Monday of September in each year. The first meeting after this act shall take effect shall be held at such place and at such hour as the township board of the township of Waverly may designate, and the clerk of said township shall give notice of such meeting by posting notice thereof in at least five of the most public places in said township at least eight days previous to such meeting. The supervisor and the township clerk of said township shall be the inspectors of election at said first annual meeting, canvass the votes, and declare the result thereof. At such first meeting there shall be chosen by ballot two trustees, one to serve for the term of one year, and one for the term of two years, and at subsequent

annual meetings one for the term of two years. Subsequent annual meetings shall be held at such place and hour as the board of education may determine, and the president and clerk of said board shall be the chairman and clerk of such subsequent meetings, canvass the votes and declare the results of all elections, but in the absence of such officers the electors present shall elect suitable persons to perform the duties of such officers.

Subsequent annual meetings.

Who to canvass votes and declare results.

SEC. 3. Within ten days after the annual election the township clerk shall call a meeting of the board of education at which time the trustees shall meet, and the board elect from their number a president, who shall be the chairman, and the executive officer of said board. Process shall be served on him in all suits against said district, and he shall have the care and management over the affairs, and property of said school district. He shall receive for his services such sum as the board of education may determine, but not to exceed fifteen dollars annually. The clerk may receive not to exceed ten dollars annually. No other officer or member of the board shall receive pay or compensation. The township clerk shall be *ex officio* a member of said board, and entitled to a vote in all cases. In the absence of the president at any meeting, a majority of the members present may choose one of their own number president *pro tem*. In the absence of the clerk, the board may choose some suitable person to perform his duties. Said board shall have power to fill vacancies that may occur in the office of trustee until the next annual election, to prescribe rules for its government and the government of schools, teachers, students and employes of said district, and shall be vested with all the powers and duties, not inconsistent with this act, that are by law conferred upon the boards of trustees of primary schools.

When meeting of board of education to be called.

Who process to be served upon.

Compensation of president and clerk.

President pro tem.

Powers of board to fill vacancies.

SEC. 4. The township treasurer shall have the keeping of all school and library moneys, and shall not pay out the same without the authority of the board upon warrants or orders drawn upon him, signed by the clerk and countersigned by the president and designating the particular fund out of which the same shall be paid.

Who to have control of school and library money.

SEC. 5. The union school district of the township of Waverly shall succeed to all the rights, property, effects and liabilities of the school districts within said township.

To succeed to rights and liabilities.

This act is ordered to take immediate effect.

Approved May 14, 1897.

[No. 435.]

AN ACT to authorize the township of Gladwin, in Gladwin county, to borrow money to be used in paying outstanding indebtedness of said township and to issue bonds therefor.

Authority to borrow.

Amount and term.

Electors to vote.

When election not necessary.

When question submitted to electors.

Duty of supervisor.

Amount to be spread on tax roll.

When payable.

SECTION 1. *The People of the State of Michigan enact*, That the township board of the township of Gladwin, in Gladwin county, be and the same is hereby authorized and empowered to borrow, on the faith and credit of said township, a sum not exceeding six hundred dollars for a term not exceeding six years, at a rate of interest not exceeding six per centum per annum, and to execute the coupon bonds of said township therefor in such form as said board shall determine, which bonds shall in no case be disposed of for a less sum than their par value: *Provided*, That a majority of the qualified electors of said township of Gladwin voting at a regular or special election in said township shall favor such bonding: *Provided further*, That such election shall not be necessary if two-thirds of the electors of said township as appear by the poll list of the last election shall sign a petition to the township board requesting such loan.

SEC. 2. The question of raising said money by loan may be submitted to the electors of said township at a general or special election called for that purpose, and the township board shall have power to order a special election when it may, by said township board, be deemed necessary to carry out the provisions of this act; and the proceedings at such special election shall be the same as at a general election held in said township, except that electors voting for said loan shall have written or printed or partly printed on their ballots the words "For the Loan" and those voting against said loan shall have written or printed or partly printed on their ballots "Against the Loan."

SEC. 3. If such bonds shall be authorized as aforesaid, it shall be the duty of the supervisor of said township to assess and to spread upon the tax roll and of the treasurer of said township to collect, in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable thereon, and also any installment of principal thereof falling due in any such year; but no more than three hundred dollars of such principal shall be made to become payable in any one year, and the said interest shall be payable by the said treasurer when the same becomes due upon the presentation to him of the proper coupon, and the principal shall be payable by the treasurer when the same becomes due on presentation of the proper bonds.

This act is ordered to take immediate effect.

Approved May 14, 1897.

[No. 436.]

AN ACT to disorganize school district number seven (7) in the township of Worth, Sanilac county, Michigan, and attach the territory of said school district to school districts numbers three and eight in said township.

SECTION 1. *The People of the State of Michigan enact, That* fractional school district number seven (7) so called, in the township of Worth, in Sanilac county, Michigan, be and is hereby disorganized and the territory comprised in said district be and the same is hereby attached to school districts numbered three (3) and eight (8) in said township, as follows:

District dis-
organized and
attached.

SEC. 2. The following described lands, a part of the afore- said territory, to wit: Fractional sections numbered nineteen (19) and thirty (30) and the north half of north half of fractional section thirty-one (31), all in township nine (9) north, range seventeen (17) east, be and the same is hereby attached to school district number three (3) and the south half of north half of said fractional section thirty-one in township nine (9) north, range seventeen (17) east, be and the same is hereby attached to fractional district number eight (8) in said township of Worth. Such districts when so formed shall be subject to the general laws of this State.

Territory
added.

Approved May 14, 1897.

[No. 437.]

AN ACT to amend sections two hundred and four, two hundred and twelve and two hundred and forty-three of the charter of the city of Ypsilanti.

SECTION 1. *The People of the State of Michigan enact, That* sections two hundred and four, two hundred and twelve and two hundred and forty-three of act three hundred and twenty-eight, local laws of eighteen hundred and seventy-seven as amended by the several acts amendatory thereof, be revised and amended so that it read as follows:

Sections
amended.

SEC. 204. Special assessments to defray the costs of any improvement shall be levied before the making of the improvement, or as soon as the improvement is completed and the expense thereof determined, except when the council by resolution shall allow the same to be paid in installments, when at least one-quarter of the cost thereof shall be assessed and collected immediately after the making of said improvement or before, as the council may determine.

Special assess-
ments, levied
and collected,
when.

Division into
installments.

SEC. 212. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than four installments, one of which shall be collected each year, at such time as the council shall determine, with annual interest at a rate not exceeding five per cent upon the second, third and fourth installments.

CITY BONDS.

Authority to
issue for
constructing
bridges, and for
fire depart-
ment.

SEC. 243. The common council of the city of Ypsilanti is hereby authorized to issue bonds of the city, in such sums and for such amounts as they may deem necessary, not to exceed ten per cent of the assessed valuation of the property of said city, for the purpose of constructing and repairing bridges over the Huron river, in the city, and like bonds for the purpose of a fire department of the city; said bonds shall bear a rate of interest not exceeding five per cent, and shall be payable in not more than ten years from the date thereof, and shall not be made payable in a sum to exceed five thousand dollars in any one year. Said council shall also have the power to issue bonds of the city or sewer orders in such terms and for such amounts as they may deem necessary, not exceeding the sum of five thousand dollars, which bonds or orders shall bear a rate of interest not exceeding five per cent per annum and shall be payable in not more than four years from date thereof, for the purpose of paying the cost of constructing a sewer in any special or local sewer district, which amount shall be collected from said special or local sewer district to repay said bonds or sewer orders, with interest at a rate not exceeding five per cent per annum. It is further provided that there shall at no time be outstanding to exceed five thousand dollars of said bonds or sewer orders. And that at no time shall any bonds of said city be sold for less than par or face value.

For sewer
bonds.

Limit.

Not to be sold
less than par.

This act is ordered to take immediate effect.

Approved May 19, 1897.

[No. 438.]

AN ACT providing for the appointment, fixing the compensation and defining the duties of stenographer for the probate court for the county of Genesee, and for the taking and transcribing of testimony on examination of persons charged with criminal offenses in said county.

Judge of pro-
bate to appoint
stenographer.

SECTION 1. *The People of the State of Michigan enact, That the judge of probate of the county of Genesee shall have power to appoint a stenographer for the probate court of said county of Genesee, who shall also take and transcribe the testimony*

on examination of persons charged with criminal offenses as herein provided.

SEC. 2. The person so appointed shall hold office during the pleasure of the judge of probate of said county. Term of office.

SEC. 3. It shall be the duty of the stenographer so appointed to attend upon the probate court in all cases when so directed by the judge thereof, or at the request of either of the parties to a cause in said court and take full stenographic notes of all the testimony and proceedings in such case or cases. Duty of stenographer.

SEC. 4. Whenever any person charged with an offense is held for an examination before any justice of the peace in and for said county of Genesee, it shall be the duty of said stenographer, if so requested by the prosecuting attorney of said county, to attend upon such examination and take full stenographic notes of the testimony and proceedings thereat. When person charged with offense is held for examination duty of stenographer.

SEC. 5. The stenographer shall within such reasonable time as the prosecuting attorney shall direct, transcribe his notes so taken on any such examination, making two copies thereof. One copy shall be delivered to the prosecuting attorney and one copy shall be returned to the justice before whom such examination shall have been held, which transcript shall be filed by said justice as a part of his official returns on said examination: *Provided*, That the stenographer shall certify that the testimony so taken is a correct and complete transcript of all the testimony and proceedings on such examination. And it shall not be necessary that the testimony so taken be read over to the witness or witnesses, or that they shall sign the same. When to transcribe notes to make two copies.

SEC. 6. If the stenographer so appointed under this act shall be occupied in either of said courts, and his services shall at the same time be required in attendance upon the other of said courts, then and in such case the stenographer so appointed under this act shall provide a competent assistant whose compensation shall not exceed the amount herein provided for the official stenographer of said court. Stenographer to certify.

SEC. 7. The stenographer shall receive as compensation for his services rendered in said courts the sum of six dollars for each day and three dollars for each half day, which shall be paid out of the county treasury upon the certificate of the judge of probate when the services of said stenographer have been rendered in the probate court and upon the certificate of the prosecuting attorney when the services of said stenographer have been rendered before a justice of the peace of the county: *Provided*, That any compensation, due to the stenographer for taking the testimony of the subscribing witness to a will, shall become a part of the taxable costs against the estate sought to be disposed of by said will and no other compensation shall be allowed therefor. Payment of all sums due the stenographer for services rendered under the pro- When not necessary to read testimony.

May provide competent assistant.

Compensation.

To be paid upon certificate of whom.

When part of taxable costs.

Sums due, when to be paid.

visions of this act shall be made within thirty days of the time such services are completed.

Transcript of
stenographer's
notes.

SEC. 8. In case either party to a cause in the probate court, shall desire a transcript of the stenographer's notes, or of any portion thereof so taken in any cause in said probate court, it shall be the duty of the stenographer to furnish the same to the persons so ordering it, for which he shall be entitled to demand and receive therefor from the parties so ordering such transcript the sum of eight cents per folio for each folio so transcribed: *Provided*, That in case the judge of probate shall require a copy of the stenographer's notes or any portion thereof for his own personal use the stenographer shall furnish three copies of the same, one copy being for the judge of said court, and a copy for each of the parties in said cause, for which the stenographer shall be entitled to demand and receive the sum of eight cents per folio so transcribed, but only for one copy, which amount for such transcript shall be paid by each of the parties to the cause paying an equal portion of said amount.

Compensation
per folio.

Compensation
when employed
in justice court.

SEC. 9. Whenever a stenographer shall be employed as herein provided in any justice court he shall be entitled to demand and receive the sum of eight cents per folio for the testimony taken and transcribed, but for one copy only, which amount shall be paid out of the county treasury upon the presentation of a bill for the same, providing that the prosecuting attorney shall certify thereon that the account is correct.

Duty of board
of supervisors.

SEC. 10. It shall be the duty of the board of supervisors for the county of Genesee to audit such bill or bills as shall have been certified to by the judge of probate or the prosecuting attorney in accordance with the provisions of this act.

To subscribe
oath.

SEC. 11. Before entering upon the duties of said office the stenographer so appointed as herein provided shall take and subscribe the constitutional oath of office, which shall be administered by the judge of said probate court.

This act is ordered to take immediate effect.

Approved May 19, 1897.

[No. 439.]

AN ACT to amend section one, of act number one hundred and fifty-three, of the session laws of eighteen hundred sixty-one, being an act entitled "An act to incorporate the public schools of the city of Adrian," approved March thirteenth, eighteen hundred sixty-one, as amended by act number three hundred forty one of the session laws of eighteen hundred sixty-nine, approved March twenty-fourth, eighteen hundred sixty-nine.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one, of act number one hundred fifty-three, of the ses-

sion laws of eighteen hundred sixty-one, being an act entitled "An act to incorporate public schools of the city of Adrian," approved March thirteenth, eighteen hundred sixty-one, as amended by act number three hundred forty-one of the session laws of eighteen hundred sixty-nine, be and the same is hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact*, That all of the city of Adrian, and so much of the townships of Adrian and Madison as are included in the following description and boundaries, [viz.] namely: All those lands situated in township six south, of range three east, known and distinguished as the east half of the east half of section thirty-three, the south-east quarter of the south-east quarter of the north-west quarter, and the north half of the north-east quarter of section thirty-four, also that part of the east half of the west quarter of section thirty-four commencing at a point on the north and south quarter line fifty-five rods and twenty links south of the quarter stake, thence north sixty-nine (69) degrees, west eight rods, thence north eighty-nine degrees, west seventeen rods and fifteen links, thence south and parallel to said quarter line thirteen rods and three-fourths of a link, thence south eighty-nine (89) degrees, east and parallel to the west part of the north line twenty-five rods to the quarter line, thence north on said quarter line ten rods and five links to the place of beginning. The north half of the north-west quarter and the north half of the north-east quarter of section thirty-five, and the north half of the north-west quarter of section thirty-six; also, all those lands situate in township seven south, of range three east, being the west half of section three, the north-east quarter of the north-east quarter of section nine, the north half of the south-east quarter, and the east half of the south-west quarter of section ten, the north half, the south-west quarter, and the west half of the south-east quarter of section eleven, and the north half of the north-west quarter of section twelve, shall constitute a single school district, to be known and designated as the public school of the city of Adrian, and such district shall have all the powers and privileges conferred upon school districts and union school districts by general law; and hereafter all schools organized therein, in pursuance of this act, under the direction and regulation of the school board, shall be public, and free to all children, actual residents within the limits thereof, between the ages of five and twenty-one years, inclusive.

Boundaries of
school district.

Schools to be
public.

Approved May 21, 1897.

[No. 440.]

AN ACT to amend act number two hundred and fifty-one of the laws of eighteen hundred and forty-eight, entitled "An act to incorporate the Detroit and Erin Plank Road Company," by adding a new section thereto to stand as section nine.

Act amended. SECTION 1. *The People of the State of Michigan enact*, That act number two hundred and fifty-one of the laws of eighteen hundred and forty-eight, entitled "An act to incorporate the Detroit and Erin Plank Road Company," be and the same is hereby amended by adding a new section thereto, to stand as section nine, to read as follows:

Surrender of portion of plank or gravel road. SEC. 9. The Detroit and Erin Plank Road Company be, and the same is hereby authorized to surrender control of so much of its plank or gravel road as lies between the Gratiot road, so called, and the village of Utica and shall from and after the passage of this act cease to exact tolls for so much of the road so surrendered which shall thereafter be under the control and subject to the jurisdiction of the local township authorities.

Cease to exact tolls.

This act is ordered to take immediate effect.

Approved May 21, 1897.

[No. 441.]

AN ACT to provide for the sale of State tax lands within the incorporated village of Atlanta.

Who to sell State tax land. SECTION 1. *The People of the State of Michigan enact*, That the Auditor General with the county treasurer (at the annual tax sales) shall offer for sale and sell to any person, any lot in said village held by the State as State tax lands, upon payment of the proportion of the amount of taxes, interest and charges for which the same may have been, or may hereafter be bid in to the State; and at the same time the purchaser of such State bids shall pay to the said Auditor General or the county treasurer, the taxes remaining unpaid against said lot or division of land in said village.

Who purchaser to pay to.

This act is ordered to take immediate effect.

Approved May 21, 1897.

[No. 442.]

AN ACT to amend and revise the charter of West Bay City, and to repeal all acts and parts of acts inconsistent therewith.

CHAPTER I.

SECTION 1. *The People of the State of Michigan enact*, That the electors of the city of West Bay City, from time to time, being inhabitants thereof, shall be and continue a body politic and corporate under and by the name designated in its acts of incorporation; and by such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for the purposes for which they were incorporated, have a common seal and change the same at pleasure, and exercise all the powers in this act conferred. Electors a body politic.

SEC. 2. Judicial notice shall be taken in all courts and proceedings in this State of the existence of said city, and of all changes at any time made in the corporate limits of said city by the annexation of territory thereto or otherwise, and of the boundaries of wards, and of all changes made at any time in the boundaries of any ward in said city; and from the time of the passage of this act all the provisions herein shall be applicable to said city, and all laws in conflict therewith shall no longer be applicable. Judicial notice of existence of city.

SEC. 3. All officers in said city, elected or appointed, and in office at the time of the passage of this act shall continue to exercise their respective functions under the provisions of this act, for the full term for which they were so elected or appointed, and until their successors shall have qualified and entered upon the duties of their office unless herein otherwise provided. Present officers to continue to act.

SEC. 4. The by-laws and ordinances of said city, and the rules and regulations of the council and of all boards, of said city heretofore in force and not inconsistent with this act, shall remain in force after the passage of this act, and are hereby declared to be re-enacted, by virtue of and under the powers conferred by this act, until altered, amended or repealed by the council or such boards, as the case may be. Ordinances, etc., to continue in force.

SEC. 5. The first election of officers for said city, after the passage of this act, shall be held on the first Monday in April, in the year eighteen hundred ninety-eight (1898), notice thereof and of the officers to be elected thereat, shall be given and the election held and conducted, the votes canvassed, the result determined, and notice given to persons elected, in the same manner and within the same time as herein provided. Election, when held.

CHAPTER II.

BOUNDARIES, CHANGE OF, ETC.

Territory
incorporated.

SECTION 1. So much of the county of Bay, in the State of Michigan, to-wit: Beginning at a point in the middle of the Saginaw river where the north line of section fourteen (14), town fourteen (14) north of range five (5) east, crosses said river, hence south-westerly along the middle of the Saginaw river to the island in said river known as the "middle ground," thence to and through the center of said island to the southerly shore of said island, thence to and through the center of said river to a point where the south line of section thirty-two (32), town fourteen (14) north aforesaid, crosses said Saginaw river, thence west on the south line of said section thirty-two (32), to the south-west corner thereof, thence north along the west side of section thirty-two (32), twenty-nine (29), and twenty (20), town fourteen (14) aforesaid, to the north-west corner of section twenty (20), thence east along the north line of said (20) to the quarter post of said section twenty (20), thence north along the quarter line of section seventeen (17), town fourteen aforesaid, to the north line of said section seventeen (17), town fourteen aforesaid, thence east along the north side of the east half of said section seventeen (17) and north line of sections sixteen (16), fifteen (15), and fourteen (14), to the place of beginning, to be and the same is hereby declared to be a city by the name of West Bay City.

Boundaries to
be changed,
how.

SEC. 2. Whenever the council of said city shall determine by resolution to alter the boundaries of said city, either by taking in lands and premises adjoining thereto, or by taking out any lands and premises included in said city, or both, they shall petition the board of supervisors of the county in which such lands and premises affected thereby are situated, to make such change. Such petition shall contain a description by metes and bounds of the lands and premises proposed to be added to or taken out of said city, and shall set forth the reasons for the proposed change, and shall contain a copy of the resolution of the council in relation thereto, and shall be signed by the clerk under the official seal of such city. Before such petition shall be presented to the board of supervisors, notice shall be given by the clerk, of the time and place where the same will be presented for consideration by publishing the same in the newspaper adopted by the council to publish its proceedings, once in each week for at least three weeks immediately preceding the presentation of the same. The aforesaid newspaper shall be published in Bay county and be the official newspaper of said city. Such notice shall also contain a description of the premises proposed to be taken in or out of the boundaries of said city. At the time of presenting such petition all parties interested may appear

Notice of
petition for
change.

Parties to be
heard.

before such board of supervisors and be heard touching the proposed boundaries of said city, and after such hearing and due consideration of such petition, it shall be the duty of the board of supervisors to order and determine as to whether the prayer contained in the petition or any part thereof shall be granted, and they shall make an order of such determination, which order shall be entered upon their records, and thereupon, if a change of boundaries shall be ordered, then such boundaries of the city shall be fixed and shall exist as provided in such order, and a certified copy thereof shall be transmitted to the clerk of said city, and to the Secretary of State, and such order shall be *prima facie* evidence of such change in the boundaries of said city and of the regularity of such proceedings in all courts and places: *Provided*, That the board of supervisors shall not change the boundaries of any city in such manner as to affect the boundaries of a representative district at a time when changes in the boundaries of representative districts are prohibited.

Not to change
boundaries,
when.

SEC. 3. Whenever said city shall have its boundaries changed by the addition of any territory thereto, or by the taking of any territory therefrom, the rights and interests of the township or city from which such territory shall be taken or to which it shall be annexed, as well as the rights of the persons affected by reason of such change of boundary, shall be settled and adjusted in accordance with the general laws of the state in such cases made and provided.

How certain
rights adjusted.

CHAPTER III.

WARDS.

SECTION 1. The said city shall be divided into six (6) wards as follows, to-wit: The first ward shall embrace all that portion of the city within the following described limits, to-wit: Beginning at the center of the Saginaw river where the north line of section fourteen (14), town fourteen (14) north of range five (5) east, crosses said river, running thence west on the north line of sections fourteen (14), fifteen (15), sixteen (16) to the northwest corner of the northeast quarter of the northwest quarter of said section sixteen (16) thence south on the sub-quarter line to the southeast corner of the northwest quarter of the southwest quarter of said section sixteen (16) thence south forty-one degrees and twenty minutes east, between the lands of John Bourn and the Keystone Lumber and Salt Manufacturing Company, to the center of the Saginaw river. The second ward shall embrace all that portion of the city contained in section sixteen (16) not included in the first ward, the east half of section seventeen (17), the north half of the northeast quarter of section twenty (20), and all of section twenty-one (21) north of the center line of Dunbar street in Litchfield's addition to the village of Wenona, to railroad track and north of the north line of said Dunbar

Ward
boundaries.
First.

Second.

Third.

street if extended easterly from the railroad track to the center of the Saginaw river. The third ward shall embrace all that portion of the city contained in sections twenty (20) and twenty-one (21) north of the center of Jane street, in the plat of Lake City, from the center of the Saginaw river to Center street, which street is the quarter line running north and south through said section twenty (20), the said quarter line being the west line of said ward, and the north line of said ward shall be the south line of the second ward hereinbefore described, lying east of said Center street.

Fourth.

The fourth ward shall embrace all that portion of said city contained in section twenty (20) south of the center line of said Jane street extended west to the west line of said section (20) and east to the center of the city limits, also the north half of the north half of the northwest quarter of section twenty-nine (29), and that part of the plat of Salzburg north of the center line of Ninth street extended to the center of the Saginaw river. The fifth ward shall embrace all that

Fifth.

portion of the city contained in section twenty-nine (29) not included in the fourth ward, and all of section thirty-two (32)

Sixth.

within the city of West Bay City. The sixth ward of said city shall embrace that portion of land lying between the center line of Center street on the quarter line of section twenty (20) and the west boundary line of section twenty (20), and lying between the center line of North Union street and the north line of the fourth ward hereinbefore described, being the entire northwest quarter of section twenty (20), and all that part of the southwest quarter of said section twenty (20) lying north of the center line of Jane street.

Wards to remain as established.

SEC. 2. The wards established herein, being the same as established under the former acts of incorporation shall continue to be the wards of said city, until changed by legal authority.

Aldermen and ward officers.

SEC. 3. No election of aldermen or ward officers shall be held in any newly established ward, or in any ward on account of changes in the boundaries thereof, previous to the next annual city election; nor shall the office of any alderman or other officer elected in any ward be vacated by reason of any change in such ward; but any such alderman and other officer shall, during the remainder of his term, continue in office and to represent the ward including the place of his residence at the time of the change of the boundaries of the ward unless the office becomes vacant for some other cause.

When two aldermen are to be elected.

SEC. 4. When by the creation of a new ward two aldermen are to be elected therein at the same time, one of them shall be elected for one year and one for two years, and the term of each shall be designated on the ballot.

Voting precincts.

SEC. 5. Each ward shall be divided into such voting precincts as the council shall from time to time determine by ordinance.

CHAPTER IV.

ELECTORS AND REGISTRATION.

SECTION 1. The inhabitants of said city having the qualifications of electors under the constitution of the State, and no other, shall be electors therein, and every elector shall vote in the ward or election district where he shall have resided during the twenty days next preceding the day of election. The residence of any elector, not being a householder, shall be deemed to be in the ward or election district in which is located his regular place of lodging.

Electors.

Legal residence.

SEC. 2. The common council shall cause any ward, having more than six hundred and fifty electors according to the poll list of the last preceding elections to be divided into two or more voting districts. The manner of making such division, the creation of election inspectors and boards of registration therein, and all matters pertaining to such division and the holding of elections in such districts not covered by the provisions of this chapter, shall be provided for by the council, making such division.

When wards to be divided.

REGISTRATION.

SEC. 3. At the first annual election to be held under this act, and at each annual election to be thereafter held, there shall be elected by the qualified electors voting in their respective wards and election districts four qualified electors who shall be the board of registration and inspectors of all elections to be held in their respective wards and election districts for the next succeeding year and they shall hold no other elective office during the year for which they were so elected. Three candidates for this office shall be nominated by each party and of the persons thus nominated the four receiving the highest number of votes shall be declared elected; and if there be a vacancy on the board it shall be filled by the other members of the board on the nomination of the ward committee of the same party as the person whose absence or disability causes the vacancy: *Provided*, That by reason of the formation of more than one election district in a ward there shall not be any or a sufficient number of the board residing within each election district so formed to constitute a board of registration and inspectors of election, the council shall supply the deficiency or appoint a full board, as the case may be, for such election district: *Provided*, That no board shall be composed of more than three belonging to the same political party. Such board of registration and inspectors of election shall receive two dollars per day as compensation.

Board of registration.

Vacancies, how filled.

Compensation.

SEC. 4. When changes shall be made in any ward or wards, or a new ward shall be formed in whole or in part from the territory of other wards, or when a ward shall be divided into

In case of change in, or new ward.

voting districts, the boards of registration of the respective wards or voting districts affected by the change shall meet previous to the time prescribed by law for giving notice of their sessions preceding the next election, and the name of each registered elector known to have been transferred by such change from one ward to another ward, or to the new ward, or from one voting district to another, shall be copied into the register of the ward or district to which the transfer was made, and be stricken from the register of the ward or district from which the elector was transferred by the change.

New register,
when to be
made.

SEC. 5. When a new ward or voting district shall be formed, the board of registration thereof, at its session next preceding the next election therein, shall make or complete a new register of the electors residing therein, and for that purpose shall remain in session two days, and notice of the formation of such ward or district, and that a new register of the electors will be made at that session, shall be given with the notice required by law to be given of such session of the board.

Election
districts.

Meetings of
board of
registration.

SEC. 6. Each ward, unless otherwise subdivided, shall be an election district. On the Saturday next preceding a general election, and on the Saturday next preceding the day of the regular city election or any special election, and on such other days as shall be appointed by the council, not exceeding three days in all, previous to any such election, the several boards of registration for the city, except as in this act otherwise provided, shall be in session at such places in their several wards as shall be designated as hereinafter provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the lists of the qualified voters; during which session it shall be the right of each person then actually residing in the ward or voting district, and who, at the then next approaching election may be a qualified elector and whose name is not already registered, to have his name entered in the register of such ward or voting district.

Council to fix
place of meet-
ing of board of
registration.

City clerk to
give notice.

SEC. 7. At least two weeks previous to the commencement of any such session of the several boards of registration, the council shall fix the place in each ward and voting district of the city where the board of registration will meet, and at least eight days before such session of the board, the city clerk shall give notice by hand bills posted in ten public places in each ward or voting district, and by publication in the official paper of the city, of the time and place in each ward or voting district when and where the board of registration for such ward or voting district will meet. Except as in this act otherwise provided, the general laws of this State relating to the registration of electors in cities shall apply to the registration of electors in West Bay City.

Re-registra-
tion, when to
be made.

SEC. 8. The boards of registration in said city at their sessions previous to the general election in November in the

year nineteen hundred (1900), shall make a re-registration of the qualified electors of their respective wards, in books of the form provided by law. The same rules shall be observed in such re-registration as are provided by law for the registration of electors in cities; and a like re-registration of the electors of each ward shall be made at the session of the board next preceding the general election in the year nineteen hundred and four (1904) and every fourth year thereafter. When such new registry shall be made the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such re-registration unless his name shall be registered in such new registry. Notice that such new re-registration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made.

CHAPTER V.

OFFICERS.

SECTION. 1 The city officers of said city shall be a mayor, City officers. comptroller, city clerk, city treasurer who shall be *ex-officio* collector, and two justices of the peace who shall be elected by the qualified voters of the whole city: *Provided*, That no person shall be eligible to the office of city treasurer for more than two terms in succession.

SEC. 2. In each ward two aldermen, one supervisor and a Ward officers. constable shall be elected.

SEC. 3. The council shall appoint, by ballot, the following Officers appointed. officers, viz.: One city attorney, one street commissioner, one city sexton, and two assessors, each of whom shall hold his office for a term of two years. The council shall also appoint one member of the board of estimates, one chief of police and such other number of policemen with pay and such number of policemen and watchmen without pay, as they shall deem necessary, and shall fix and limit the term of office of the persons so appointed, in accordance with the provisions of this act. The council may also appoint such number of pound masters, inspectors of fire-wood, weigh masters, and such other officers as may be necessary to carry into effect the provisions of this act and fix the term of their office with such compensation as they shall deem proper: *Provided*, That the term of their office shall not be for a longer period than one year. If for any cause the council should fail to make the foregoing appointments or any of them, at the time hereinafter mentioned then it shall be lawful for the council to make such appointments as soon as practicable thereafter.

SEC. 4. Appointments to office, except appointments to fill Appointments, when to be made. vacancies shall be made on the second Monday in April in each year; but appointments which for any cause shall not be made on that day may be made at any subsequent regular meeting. But every such appointment shall be made within twenty days after the occasion for making the same shall

arrive or as soon thereafter as the council shall deem practicable, each appointment by the council shall be made only by a concurring vote of a majority of all the aldermen elect.

Aldermen to continue term for which elected.

SEC. 5. The aldermen now in office, shall, continue in office for the term for which they were elected; and at such first election, after the passage of this act, such number of the aldermen only shall be elected, as with those continuing in office as aforesaid, shall make the requisite number of aldermen as required by this act, and one alderman for each ward shall be elected annually thereafter who shall hold his office for the term of two years from the second Monday in April of the year when elected, and until his successor is qualified and enters upon the duties of his office. The justices of the peace now in office shall continue in office for the term for which they were elected, and at the annual city election for the year eighteen hundred and ninety-eight there shall be elected, on the city ticket one justice of the peace who shall hold his office for four years, and who shall be the legal successor of Fred Neuman—one of the present justices of the peace of said city; and at the annual city election for the year nineteen hundred there shall be elected, on the city ticket one justice of the peace who shall hold his office for four years, and who shall be the legal successor of John J. Cameron,—one of the present justices of the peace of said city, and biennially thereafter there shall be elected on the city ticket one justice of the peace for a term of four years. Every justice of the peace, when his term of office shall expire, shall turn over to his successor all the books, papers and documents of any nature whatsoever belonging to or pertaining to said office, but if there be no legal successor then to the common council, who shall order and direct such books, papers and documents to be immediately turned over to any justice of the peace of said city, then such justice of the peace shall have the same power with, and control over said books, papers and documents as if he had acquired them by legal succession.

Justice of the peace to continue term for which elected. Successors, when to be elected.

To turn over books and papers to successor.

Term of elective officers.

SEC. 6. The mayor, city treasurer, comptroller and city clerk shall hold their offices for a term of two years from the second Monday of April of the year when elected, and until their successors are qualified and entered upon the duties of their offices. Constables and supervisors shall hold their offices for the period of one year from the second Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their office.

Term of appointive officers.

SEC. 7. All officers appointed by the council, except as herein otherwise provided, except officers to fill vacancies in elective offices shall hold their respective offices until the second Monday in April next after such appointment, and until their successors are qualified and enter upon the duties of their offices, unless a different term of office shall be provided in this act, or in the ordinance creating the office. Any

officer elected to fill a vacancy shall hold the office during the residue of the term of office in which the vacancy occurred, and any officer appointed to fill a vacancy in any elective office shall hold such office until the next annual city election.

SEC. 8. Justices of the peace not elected to fill vacancies shall enter upon the duties of their offices on the fourth day of July next after the election. In all other cases officers shall enter upon the duties of their offices on the second Monday of April of each year, unless herein otherwise provided. When terms begin.

QUALIFICATIONS, OATH AND BOND OF OFFICE.

SEC. 9. No person shall be elected or appointed to any office (excepting members of the fire department, other than the chief engineer), unless he be an elector and freeholder of the city, and if elected or appointed for any ward, he must be an elector thereof; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or to any board of officers thereof, or to any school district, county, or other municipal corporation of the State. All votes for, or any appointment of any such defaulter shall be void. Qualifications for holding office.

SEC. 10. Justices of the peace elected in said city shall take and file an oath of office with the county clerk of the county in which the city is located within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers elected or appointed in the city, shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State and file the same with the city clerk. Oath of office.

SEC. 11. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk, mentioned in the preceding section, the security for the performance of the duties of his office, required by law in the case of justices of the peace elected in townships; except that said official bond or security may be executed in the presence of, and be approved by, the mayor; and in case he shall enter upon the execution of the duties of his office before having filed his official oath and bond or security, and such other bond or security to the city as may be required by law or by any ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships; and every other officer elected or appointed in the city, before entering upon the duties of his office within the time prescribed for filing his official oath, shall file with the city clerk such bond or security as may be required by law or by any ordinance or requirement of the council, and with such sureties as shall be approved by the council, for the due performance of the duties of his office, Bond of justice.

except that the bond or security of the clerk shall be deposited with the city treasurer.

Bond to be approved.

SEC. 12. The council whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act or by any ordinance or direction of the council, shall inquire into the sufficiency of such sureties, and may examine them under oath as to their property; such oath may be administered by the mayor, or any alderman, or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing and be signed by him, and annexed to and filed with the bond or instrument to which it relates.

Additional bonds.

SEC. 13. The council may also at any time require any officer, whether elected or appointed, to execute and file with the clerk of the city, new official bonds in the same or in such further sums, and with new or such further sureties as said council may deem requisite for the interests of the corporation. Any failure to comply with such requirement shall subject the officer to immediate removal by the council.

VACANCIES IN OFFICE.

Resignations.

SEC. 14. Resignations of officers shall be made to the council.

When office vacated.

SEC. 15. If any officer shall cease to be a resident of the city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter the office shall thereby be vacated.

Idem.

SEC. 16. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security.

Vacancies, how filled.

SEC. 17. In case any vacancy occurs in the office of mayor, or in any other elective office except justice of the peace, as hereinafter provided, the council may fill such vacancy by appointment at any time within twenty days after such vacancy occurs, or may, within such time, call a special election for the purpose of filling such vacancy, as they may deem for the best interest of the city. Vacancies in the office of justice of the peace shall be filled at the next annual election or at a special election called for that purpose. Vacancies in any appointive office may be filled, within twenty days after such vacancy occurs, by the council, or as soon thereafter as practicable.

Resignation does not affect bond.

SEC. 18. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the

office, exonerate such officer or his sureties from any liability incurred by him or them.

SEC. 19. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys, and effects in his custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers may be proceeded against for the like offense, under the general laws of this State now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

Officer to deliver effects to successor.

Violations a misdemeanor.

CHAPTER VI.

ELECTIONS.

SECTION 1. A city election shall be held on the first Monday in April in the year one thousand eight hundred ninety-eight (1898) and annually thereafter at such place or places in each of the several wards of the city as the council shall designate. At the first annual charter election after the passage of this act, there shall be elected on the city ticket, one mayor and one city clerk, each of whom shall hold his office for two years; and at every second annual charter election thereafter, unless a vacancy should sooner occur, there shall be elected a mayor and a city clerk, who shall each hold his office for the term of two years. At the annual charter election in the year eighteen hundred ninety-nine, there shall be elected on the city ticket, one comptroller and one treasurer, each of whom shall hold his office for two years; and at every second annual charter election thereafter, unless a vacancy should sooner occur, there shall be elected a comptroller and treasurer, who shall each hold his office for two years. Elections for ward officers shall be held on the first Monday in April in each and every year after the passage of this act.

Time of elections.

Officers elected at first annual election.

Annual election.

Charter election.

SEC. 2. Special elections may be appointed by resolution of the council and held in and for the city, or in and for any ward thereof, at such times and place or places as the council may designate; the purpose and object of which shall be fully set forth in the resolution appointing such election.

Special elections.

SEC. 3. Whenever a special election is to be held, the council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held, a notice signed by the city clerk, specifying the officer or officers to be chosen and the question or proposition, if any, to be submitted to the vote of the electors, and the day and place at which such election is to be held and the proceedings and

Notice of special elections.

manner of holding the election shall be the same as at the annual elections.

Notice of elections.

SEC. 4. Notice of the time and place or places of holding any election, and of the officers to be elected and the questions to be voted upon, shall, except as herein otherwise provided, be given by the city clerk, at least ten days before such election, by posting such notices in three public places in each ward in which the election is to be held and by publishing a copy thereof in the official paper of the city, the same length of time before the election; and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

Ballot boxes.

SEC. 5. The council shall provide and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

Opening and closing of polls.

SEC. 6. On the day of elections, held by virtue of this act, the polls shall be opened in each ward, at the several places designated by the council, at seven o'clock in the morning, or as soon thereafter as may be, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made upon opening the polls, and shall also cause proclamation to be made at the closing of the polls, one hour, thirty minutes, and fifteen minutes respectively, before the closing thereof.

Officers of board.

SEC. 7. The inspectors of election in each ward or voting district shall choose one of their number chairman of the board, and shall appoint two electors of such ward to act as clerks, on said board. The persons chosen or appointed as such clerks shall take the constitutional oath of office, which oath shall be administered by the chairman of said board.

To be inspectors of other elections.

SEC. 8. The inspectors of election, as specified in the last two sections, shall also be inspectors of State, county and district elections in their respective wards or voting districts.

Manner of conducting elections.

SEC. 9. All elections held under the provisions of this act, shall be conducted, as nearly as may be, in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such elections shall have the same power and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of votes, as are conferred by law upon inspectors of general elections held in this State.

Council to appoint board of election commissioners.

SEC. 10. The council shall, at least ten days previous to any election, appoint a board of three election commissioners not more than two of whom shall belong to the same political party, who shall constitute the board of election commissioners for said city for such election, and they shall perform such duties relative to the preparation and printing of ballots

as are required by law of the boards of election commissioners of counties.

SEC. 11. The electors shall vote by ballot. Such ballot shall be prepared and furnished by the board of election commissioners as provided by the general election laws of the State, and shall contain the names of all officers to be voted for, and all questions or propositions submitted to be voted upon, and all matters touching the form and contents of the ballot and the casting and canvassing of the same, and all other matters touching elections shall be governed by the general election laws of the State when not inconsistent with the provisions of this act.

To vote by
ballot.

Ballots, how
prepared.

SEC. 12. The council shall convene on Thursday next succeeding each election, at their usual place of meeting and canvass and determine the result of the election upon each question and proposition voted upon, and what persons are duly elected at the said election of the several offices respectively; and, thereupon, the city clerk shall make duplicate certificates, under the corporate seal of the city of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk, of Bay county, and the other shall be filed in the office of the city clerk.

To canvass
votes.

Certificates.

SEC. 13. The person receiving the greatest number of votes for any office in the city or wards, shall be deemed to have been duly elected to such office; and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.

Persons
elected.

SEC. 14. It shall be the duty of the city clerk, within five days after the meeting and determination of the council, as provided in section thirteen, to notify each person elected, in writing, of his election; and he shall also, within five days after the appointment of any person to any office in like manner notify such person of such appointment.

Clerk to notify
persons elected.

SEC. 15. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the city clerk shall report, in writing, to the council the names of the persons elected or appointed to any office, who shall have neglected to file such oath and requisite bond or security for the performance of the duties of the office.

Clerk to report
bonds not filed.

CHAPTER VII.

DUTIES AND COMPENSATION OF OFFICERS.

Duties and powers of mayor.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council and shall from time to time give to the council information concerning the affairs of the city and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws relating to the city and the ordinances and regulations of the council are enforced.

Mayor to be conservator of the peace

SEC. 2. The mayor shall be conservator of peace, and may exercise, within the city the power conferred upon sheriffs to suppress disorder and shall have authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress disorderly conduct and riot.

May remove officers, when.

SEC. 3. The mayor, by and with the consent of the council, may remove any officer or member of any board appointed by the council at any time whenever they shall deem it for the best interests of the city and may suspend any policeman for neglect of duty. He shall [have] the authority at all times to examine and inspect the books, records and papers of any agent, employe or officer of the city, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city, and shall receive one dollar for each meeting of the council, as compensation.

In absence of mayor who to act.

SEC. 4. In the absence or disability of the mayor, or in case of any vacancy in his office, the president *pro tempore* of the council shall perform the duties of the mayor during such absence, disability or vacancy.

ALDERMEN.

Duties of aldermen.

SEC. 5. The aldermen of the city shall be members of the council, and attend the meetings thereof, and act upon committees thereunto appointed by the mayor or council and receive one dollar for each meeting actually attended as compensation. They shall be conservators of the peace, and as such they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city. No alderman shall hold the office of school trustee.

CITY CLERK.

Duties of clerk.

SEC. 6. The city clerk shall keep the corporate seal, and all the documents, official bonds, papers, files, and records of the city, not by this act or the ordinances of the city entrusted

to some other officer; he shall be clerk of the council; shall attend its meetings, record all the proceedings, ordinances and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify, under the seal of the city, copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matters therein contained to the same extent as the original would be; he shall possess and exercise the powers of a township clerk, so far as the same are required to be performed within the city, and he shall have authority to administer oaths and affirmations.

SEC. 7. The city clerk shall draft and sign all orders upon the city treasury for claims allowed by the council; designating thereon the fund from which payment is to be made, and shall make a record of all orders so drawn by him, and sign all bonds and other like evidences of debt and shall sign all cemetery deeds. He shall be *ex officio* secretary of the board of education, in said city, and clerk of all boards appointed by the council, and when so required, of the standing committees of the council, and perform such other duties as may be required by this act or ordinances of the city. When any tax or money is to be levied, raised or appropriated, the clerk shall report the amount thereof to the city treasurer, stating the object and funds for which it is levied, raised or appropriated, and the amounts thereof to be credited to each fund.

To draft and sign orders, etc.

To be *ex officio* secretary of the board of education and clerk of appointed boards.

SEC. 8. The city clerk shall be the sealer of weights and measures of the said city, and shall perform all the duties of township clerk, so far as the same applies to the sealing of weights. The clerk shall publish at least once a week for two consecutive weeks, in the official newspaper of the city, all the ordinances of the council, for the violation of which a penalty may be imposed. The clerk shall be entitled to a fee of fifty cents for each and every license issued by him and seventy-five cents for every cemetery deed, to be paid by the person obtaining the same. He shall also receive such annual salary as is provided by the council, but such salary shall not exceed one thousand dollars. Said clerk shall be a member of the board of supervisors of Bay county and when acting on said board he shall receive the same compensation, for such services, as is received by supervisors of the townships, to be paid out of the county treasury.

To be sealer of weights and measures.

To publish ordinances.

Fees.

To receive annual salary

To be member of board of supervisors. Compensation.

SEC. 9. The clerk except as herein otherwise provided shall report to the council, whenever required, and at least once in each month, a detailed statement of the receipts, expenditures, and financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require.

To report to council.

SEC. 10. The clerk may, subject to the approval of the council, appoint a deputy, who shall possess all the powers and authority of the city clerk, and may exercise all the duties

May appoint deputy.

thereof, subject to the control of such clerk, and such deputy shall be paid for his services by the clerk. The clerk shall be responsible for all the acts and defaults of such deputy and may remove him at pleasure.

TREASURER.

Duties of treasurer.

SEC. 11. The treasurer shall receive all moneys belonging to the city, including school moneys, and shall receive all taxes of the city, levied by order or authority of the council or board of education, except as herein otherwise provided. The treasurer shall also collect all rents, interest, claims and dues to said city, arising from rentals, leases, sales of property, or claims of any other nature whatever, not herein otherwise provided for. He shall hold all bonds, notes mortgages and other evidences of debts or value belonging to said corporation. He shall deposit the moneys of the city under the direction of the council and the school moneys under the direction of the board of education, and shall keep an accurate account of the same and of all receipts and expenditures thereof, and with every fund or appropriation thereof made by this act or by the authority and direction of the council. He shall also be a member of the board of supervisors of Bay county. Before entering upon the duties of his office, he shall furnish the bonds required by the council with such sureties and in such amounts as they may deem proper, for the faithful performance of his duties as treasurer.

Treasurer to be member of board of supervisors.

To pay out money only on warrant.

To report to council.

SEC. 12. The treasurer shall pay no money out of the treasury except in satisfaction of warrants drawn by order of the council, signed by the city clerk and countersigned by the mayor, or, in case of school moneys, on orders drawn by the president and secretary of the board of education. He shall keep an accurate account of, and report to the council once in each month, or oftener if desired by the council, a detailed statement of all taxes collected and money received as well as moneys disbursed by him, a copy of which report shall be filed with the city clerk, and one with the comptroller, and the council may at any time when they deem it advisable cause such report to be verified by a personal examination of the books, warrants, vouchers, and city moneys in the possession of the treasurer. At the end of every quarter the treasurer shall make a full settlement with the city clerk, and comptroller and finance committee of the council, producing the vouchers of all transactions, which vouchers shall be canceled by the comptroller and committee, and the result of said settlement reported to the council for their approval.

Bonds and coupons, how paid.

SEC. 13. All bonds and all coupons shall be paid out of the particular funds constituted or raised for the purpose for which the same were issued, and warrants shall be paid only out of moneys in the funds against which the same are drawn,

as written upon the face thereof. The treasurer shall keep a public office where the books and accounts in his charge, belonging to the city, shall be open to the inspection of any taxpayer [of] in said city, at reasonable hours in any week day, and where all bonds, coupons, and warrants shall be presented for payment; and the treasurer shall not discriminate as to parties holding bonds, coupons, warrants, or other lawful demands, and shall pay them only when presented at his office, unless a different place be named in such bond or other demand. The treasurer shall collect all the State and county taxes assessed and imposed upon the real and personal property of said city, and also all city, highway, sewer, and school taxes, and all such special taxes as may be from time to time levied by the council for the improvement of streets, the construction of sidewalks, or any other purposes authorized by this act or the laws of this State, as may be placed in his hands for collection by any proper officer of the city; and the warrant of the comptroller of said city shall confer full power and authority upon said treasurer to collect by levy and sale all the taxes set forth upon any general or special roll so placed in his hands, the same as warrants made by supervisors of townships under the laws of this State, and such treasurer shall give receipts for all taxes collected by him, and mark the same paid upon the proper rolls, and shall, on the first Monday of each month or oftener, if required by the council, deposit with the city clerk and comptroller, a detailed statement of all the collections so made, and shall make due returns of all rolls and the uncollected taxes thereon, as required by the [warrant] warrants of the comptroller, the provisions of this act and the laws of this State: *Provided*, That the returns of all State and county taxes shall be made direct to the county treasurer of the county of Bay. The city treasurer may appoint one or more deputy treasurers, subject to the approval of the council. Such appointment shall be in writing, and shall be filed with the clerk. Such deputy shall have all the power and authority of the city treasurer, subject to the control of such treasurer; and the treasurer shall be responsible for all such acts of his deputy, and shall pay him for his services. Such deputy or deputies may be removed by the treasurer at will. The treasurer shall obey all the orders and resolutions of the council not inconsistent with the provisions of this act, and shall turn over to his successor in office all moneys, books, papers and property of every kind and description due and belonging to such city on demand.

Treasurer to keep public office.

To collect taxes.

Proviso.

May appoint deputy.

To turn over books and papers to successor.

To be treasurer of school district.

SEC. 14. The city treasurer shall be the treasurer of the school district designated in this acts as the "public schools of the city," and shall have the custody of the funds belonging to and receivable by such district from all sources, library and school house purposes. He shall receive from the county treasurer, for the use of such district, all school and library

moneys coming to his hands to which the district shall be entitled; and for that purpose such school district shall be considered under the laws relating to the distribution of primary school and library moneys, the same as a township. Said city treasurer shall keep an account of all the school and library moneys of the district in such manner as the board of education may require and account therefor to said board whenever they shall direct. He shall pay out no moneys of the district except upon such warrants drawn by the secretary and countersigned by the president of said board. Before entering upon the duties of his office, the said treasurer shall give a bond to the public schools of the city in such sums and with such sureties as the board shall direct, for the due performance of the duties of his office as treasurer of such district, and shall renew such bond from time to time with further sureties as said board may require.

To keep certain moneys separate.

SEC. 15. The city treasurer shall keep all moneys in his hands belonging to the city and to the public schools separate and distinct from each other and separate and distinct from his own money; and he is hereby prohibited from using either directly or indirectly the corporation moneys, warrants, or evidences of debt, or any of the schools or library funds in his custody or keeping, for his own use or benefit, or that of any other person. Any violation of this section shall subject him to immediate removal from office by the council, and the council is hereby authorized to declare the office vacant, and to appoint his successor for the remainder of his term.

Penalty for violation.

To keep amount to pay deficiency.

SEC. 16. The city treasurer shall retain from the county tax roll when he makes his return to the county treasurer, pursuant to law, a sum sufficient to fill any deficiency in the amount collected for school purposes. But in case any sum is retained from the State and county taxes it shall not exceed the total delinquent school tax returned to the county treasurer.

CITY ATTORNEY.

Duties of city attorney.

The city attorney shall be an attorney and counselor at law, and admitted to practice in all the courts of the State, and in addition to the other duties prescribed in this act, shall be the legal advisor of the council and of all officers and boards of the city, and the board of education, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute all offenses against the ordinances of the city.

CONSTABLES.

Duties of constables.

SEC. 17. The constables of the city shall have the like powers and authority in matters of civil and criminal nature, and in relation to the service of all manner of criminal pro-

cess, as are conferred by law upon constable in townships, and shall receive the like fees for their services. They shall have powers also to serve all processes issued for breaches of the ordinances of the city. Fees.

SEC. 18. The constables of the city shall obey the lawful orders of the mayor, aldermen, and of any justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city; and shall discharge all duties required of them by any ordinance, resolution or regulation of the council, and for any wilful neglect or refusal to perform such duties required of him, every constable shall be subject to a penalty of not less than five nor more than one hundred dollars. Every constable, before entering upon the duties of his office, shall give such bonds for the performance of the duties of his office as may be required and approved by the council, and file the same with the city clerk. To obey certain officials.

To give bonds.

SUPERVISORS.

SEC. 19. The several supervisors of said city shall be members of the board of supervisors of Bay county and shall be the supervisor of the ward for which each was respectively elected, with all the powers of supervisors of townships in this State, subject, in all respects, to the provisions of this act and the law regulating the power and duties of township supervisors except as herein otherwise provided. They shall select and return lists of jurors (except when otherwise provided by law) to the clerk of Bay county in the same time and manner as the like duty is required of supervisors of townships, and they shall be entitled to the same compensation, paid in the same manner, as the township supervisors. Duties of supervisors.

JUSTICES OF THE PEACE.

SEC. 20. Justices of the peace elected in said city under the provision of this act, shall have, and exercise therein and within the county, the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of the State. They shall have authority to hear, try and determine all suits and prosecutions for the recovery or enforcement of fines, penalties and forfeitures imposed by the ordinances of the city, and to punish offenders, for violations of such ordinances, as in the ordinances prescribed and directed, subject only to the limitations prescribed in section seventeen of chapter ten of this act. Justices of the peace, powers and duty of.

SEC. 21. The proceedings in all suits and actions before said justices, and in the exercise of the powers and duties conferred upon and required of them, shall be, according to, Proceedings governed by general law.

and be governed by, the general laws applicable to justice courts and to the proceedings before such courts.

Docket.

SEC. 22. Every justice of the peace shall enter in the docket kept by him, and for that purpose, the title of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city, and all the proceedings, and the judgment rendered in every such cause, and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties and forfeitures, moneys, and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the justice at all reasonable times to the examination of any person desiring to examine the same, and shall be produced by the justice to the council whenever required.

Fines.

SEC. 23. All fines, penalties and forfeitures collected or received by any justice of the peace for, or on account of violations, of the penal laws of the State, and all fines, penalties, forfeitures, and money collected or received by such justice, for or on account of violations of any ordinances of the city, shall be paid over by said justice to the city treasurer on or before the first Monday of the month next after the collection or receipt thereof, and the justice shall take the receipt of the city treasurer therefor and file the same with the city clerk.

To report to council.

SEC. 24. Every such justice shall report on oath, to the treasurer at the time of making the payment provided in the preceding section, the name of every person against whom a prosecution has been commenced, or judgment rendered for any of the fines, penalties or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof or on account of any such suit or prosecution.

Disposition of fines.

SEC. 25. All fines recovered for the violations of the penal laws of the State, when collected and paid in to the city treasurer, shall be disposed of as provided by law. The expenses of prosecutions before justices of the peace of the city for violations of said criminal laws, and in punishing the offenders, shall be paid by the county in which the city is located.

To give bond.

SEC. 26. Each justice of the peace, in addition to any other security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the city, in a penalty of one thousand dollars, with sufficient sureties to be approved by the council, which approval shall be endorsed upon the bond, conditioned for the faithful performance of the duties of justice of the peace within and for the city.

May be suspended.

SEC. 27. Any justice of the peace who shall be guilty of misconduct in office, or who shall wilfully neglect or refuse to perform or discharge any of the duties of his office required by this act or any of the ordinances of the city, shall be deemed guilty of a misdemeanor, and punishable accordingly.

SEC. 28. Every justice of the peace of the city shall account on oath to the council, for all such moneys, goods, wares, and property seized as stolen property, as shall remain unclaimed in his office; and shall make such disposition thereof as shall be prescribed by law.

To report un-
claimed
property.

SEC. 29. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties, and liabilities, subject to and consistent with this act, as the council shall deem expedient, and prescribe by ordinance or resolution.

Council may
increase
powers.

COMPENSATION OF OFFICERS.

SEC. 30. The council shall annually determine the salary or compensation to be paid to the several officers of the city, subject to the limitations prescribed in this act. Such compensation for the services of the city officers shall be paid out of the city treasury in such sums as the council shall allow: *Provided*, That the mayor shall be allowed as compensation for all services rendered, the sum of one dollar for every meeting of the council; that each alderman shall be allowed as compensation for all services rendered, the sum of one dollar for every meeting of the council actually attended; that the comptroller shall receive not to exceed one thousand dollars per annum, [beside] besides his pay as a member of the board of supervisors; the city clerk not to exceed one thousand dollars per annum, beside his pay as a member of the board of supervisors; the treasurer not to exceed twelve hundred dollars per annum, beside his pay as a member of the board of supervisors; the chief of the police department not to exceed eight hundred dollars per annum; the city attorney not to exceed six hundred dollars per annum; the chief engineer of the water works not to exceed one thousand dollars per annum; the chief engineer of the fire department not to exceed eight hundred dollars per annum; the street commissioner not to exceed seven hundred fifty dollars per annum. Justices of the peace, constables and officers serving process and making arrests may, except as herein otherwise provided, when engaged in cause and proceedings, for violations of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city shall, except as herein otherwise provided, receive such compensation as the council shall determine.

Council to de-
termine com-
pensation of
city officers.

Mayor.

Alderman.

Comptroller.

City clerk.

Treasurer.

City attorney.

Engineer of
water-works.

Chief engineer
of fire depart-
ment.
Street commis-
sioner.

Fees, who to
receive.

Other officers.

SEC. 31. The salary or rate of compensation of any officer elected or appointed by authority of this act, shall not be increased or diminished during the term for which he was elected or appointed, and no one shall receive any compensation whatsoever except for services actually rendered.

Salary, how
changed.

CHAPTER VIII.

THE CITY COUNCIL.

Legislative
authority.

SECTION 1. The legislative authority of said city shall be vested in a council consisting of the mayor, and two aldermen elected from each ward.

President of
council.

SEC. 2. The mayor shall be president of the council, and preside at the meetings thereof, but shall have no vote therein except in the case of a tie, when he shall have the casting vote.

President pro
tem.

SEC. 3. On the first Monday in May in each year, the council shall appoint one of their number president *pro tempore* of the council who, in the absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of president. He shall have a vote upon all questions, but he shall have no casting vote in case of a tie. In the absence of the president and president *pro tempore* the council shall appoint one of their number to preside and for the time being he shall exercise the powers and duties of the president.

Clerk of
council.

SEC. 4. The city clerk shall be clerk of the council, but shall have no vote therein. He shall keep a full record of all the proceedings of the council, and perform such other duties relating to his office as the council may direct. In the absence of the clerk or his deputy the council shall appoint one of their number to perform the duties of clerk for the time being.

Aldermen re-
quired to at-
tend meetings.

SEC. 5. Each alderman shall be required to attend all sessions of the council, and serve upon committees when appointed thereon. No alderman shall vote on any question in which he shall have a direct personal interest, but on all other questions he shall vote unless excused therefrom by a vote of two-thirds of the aldermen present.

Council to be
judge of elec-
tion returns.

SEC. 6. The council shall be judge of the election returns and qualifications of its own members. It shall hold regular meetings for the transaction of business, at such times and places within the city as it shall prescribe; not less than two of which shall be held in each month. The mayor or any six members of the council may call a special meeting thereof, notice of which, in writing, shall be given to each alderman, or be left at his place of residence at least six hours before the meeting.

Meetings to be
public.
Quorum.

SEC. 7. All meetings and sessions of the council shall be public. A majority of the aldermen elect shall make a quorum for the transaction of business; a less number may adjourn from time to time and all pending business and business noticed or set down for hearing at such meeting shall be taken up and heard at such adjourned meeting without further notice, and the members present may compel the attendance of absent members in such manner as shall be prescribed by

ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley, or public ground be vacated, real estate or any interest therein purchased, leased, sold or disposed of, or private property be taken for public use, unless by a concurring yea and nay vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any resolution be passed or adopted except by the vote of a majority of all the aldermen elected, except as herein otherwise provided.

Two-thirds vote
when neces-
sary.

Appropriation
of money.

SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays when demanded by any alderman present, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative, and within one week after any meeting of the council, all the proceedings and votes taken thereat shall be published in the official newspaper of the city.

Record of pro-
ceedings.

SEC. 9. The council may compel the attendance of its members and other officers of the city, at its meetings in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.

Council may
compel attend-
ance.

SEC. 10. The attorney, comptroller, assessors, chief of police, chief engineer of the fire department and the president and engineer or superintendent of each board may take part in all proceedings and deliberations of the council on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

Certain officers
may attend
council meet-
ings.

SEC. 11. The council shall have control of the finances, and of all the property of the city, except as may be otherwise provided by law.

Control of
public property.

SEC. 12. Whenever by this act or any other provisions of law, any power or authority is vested in, or duty imposed upon the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.

Ordinances.

SEC. 13. The council may provide for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor subject to the approval of a majority of the aldermen.

Standing
committees.

Records, etc.,
to be filed with
clerk.

SEC. 14. The council shall cause all records of the corporation, and of all proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the city, or to the official act of any officer of the corporation (unless required by this act to be kept elsewhere), to be deposited and kept in the office of the city clerk, and to be so arranged, filed and kept, as to be convenient of access and inspection, and all such records, books and papers shall be subject to inspection by any inhabitant of the city or other person interested therein at all seasonable times except such parts thereof as in the opinion of the council, it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall unlawfully and wilfully secrete, injure, deface, alter or destroy any such books, records, documents, or papers, or expose the same to loss or destruction shall, on conviction thereof be punished by imprisonment in the State's prison not longer than one year or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

Defacing
records.

Punishment
for

Compensation
of councilmen.

SEC. 15. No member of the council shall receive any compensation for his services either as alderman, committeeman, or otherwise, except as herein provided, nor be eligible to or competent to hold, any other office during the term for which he was elected, of which the emoluments, are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the council.

Not to be in-
terested in
contracts.

SEC. 16. No member of the council or any officers of the corporation shall be interested, directly or indirectly, in the profit of any contract, job, work or services (other than official services) to be performed for the corporation, and any member of the council or officer of said city offending against the provisions of this section, shall upon conviction thereof be fined not exceeding one thousand dollars or be imprisoned in the county jail not more than six months or both, in the discretion of the court and shall forfeit his office.

Violation to be
punished.

Officers may be
removed.

SEC. 17. Any person, appointed to office by the council by authority of this act, may be removed therefrom by a vote of the majority of the council elect, except as in this act otherwise provided; and the council may remove from office any alderman by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, except aldermen and justices of the peace provisions shall be made, by ordinance for preferring charges against such officers and trying the same; and no removal of an elective officer other than an alderman shall be made except by a two-thirds vote of all the aldermen elect and unless a charge in writing is preferred and opportunity given to make a defense thereto.

May compel
attendance of
witnesses.

SEC. 18. To enable the council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor, or any justice of the peace

of the city is empowered, at the request of the council to issue subpoena or process by warrant to compel the attendance of persons and the production of books and papers, before the council, or any committee thereof.

SEC. 19. Whenever the council or any committee of the members thereof are authorized to compel the attendance of witnesses for the investigation of matters which may have come before them, the presiding officer of the council or chairman of such committee for the time being, shall have power to administer the necessary oaths to witnesses in such proceedings.

Presiding
officer to ad-
minister oaths.

SEC. 20. The council shall audit and allow all accounts and claims chargeable against the city; but no account, claim, or contract shall be received for audit or allowance, unless it shall be accompanied with a certificate of an officer of the corporation or an affidavit of the person rendering it, to the effect that he verily believes that the services therein charged have been actually performed or the property delivered for the city, that the sums charged therefor are reasonable and just and that to the best of his knowledge and belief, no set off exists, nor payment has been made on account thereof, except as [is] are endorsed or referred to in such account or claim, and every such account shall exhibit in detail all the items making up the amount claimed and the true date of each. It shall be sufficient defense in any court, to an action or proceeding for the collection of any demand or claim against the city, for personal injuries or otherwise that it has never been presented to the council for allowance; or, if such claim is founded on contract that the same was presented without the certificate or affidavit aforesaid and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

To audit
accounts

SEC. 21. The council shall furnish and provide a suitable office for the city treasurer and city clerk, who shall devote their whole time to the duties of said office.

Council to pro-
vide offices for
treasurer and
clerk.

CHAPTER IX.

ORDINANCES.

SECTION 1. The style of all ordinances shall be, "The city of West Bay City ordains." All ordinances shall require, for their passage the concurrence of a majority of all [the] aldermen elected. The time when any ordinance shall take effect shall be prescribed therein, such time, when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

Style of
ordinances.

Majority vote

SEC. 2. When, by the provisions of this act the council of said city has authority to pass ordinances for any purpose

Amount of fines
and penalties.

Imprisonment. they may prescribe fines, penalties and forfeitures not exceeding five hundred dollars (unless a greater fine or penalty is herein authorized), or imprisonment not exceeding six months or both in the discretion of the court together with the costs of prosecution for each violation of any of said ordinances; and, may provide that the offender, on failing to pay any such fine, penalty or forfeiture, and the costs of prosecution may be imprisoned for any term not exceeding six months unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison or in the county jail within Bay county, or in such other prison or place of confinement in the State as may be provided by law. Such fine, penalty, forfeiture and imprisonment for the violation of any ordinance, shall be prescribed therein.

Veto of ordinances and resolutions. SEC. 3. No ordinance or resolution passed by the council shall have any force or effect if on the day of its passage, or on the next day thereafter, the mayor, or acting mayor shall lodge in the office of the city clerk, a notice, in writing, suspending the immediate operation of such ordinance or resolution. If the mayor, or acting mayor, shall, within three days after the passage of any such ordinance or resolution, lodge in the office of the city clerk his reasons in writing, why the same should not go into effect, the same shall not go into effect nor have any legal operation, unless it shall, at a subsequent meeting of the council be passed by vote of two-thirds of all the aldermen elect, exclusive of the mayor or acting mayor, and if so repassed shall go into effect according to the terms thereof. If such reasons shall not be lodged with the clerk as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been lodged with the city clerk, and no ordinance or resolution of the council shall go into operation until after the expiration of twenty-four hours after its passage unless [the] said mayor or acting mayor, shall approve the same in writing.

Two-thirds vote to pass over veto. **Re-enactment.** SEC. 4. No repealed ordinance shall be revived unless the whole or so much as is intended to be revived, shall be re-enacted. When any section or part of a section of an ordinance is amended, the whole section, as amended, shall be re-enacted.

Ordinances to be recorded. SEC. 5. All ordinances when approved by the mayor or when regularly enacted shall be immediately recorded by the clerk of the council, in a book to be called "The Record of Ordinances" and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

Ordinances to be published. SEC. 6. Within one week after the passage of any ordinance the same shall be published in the official newspaper of the city, and the clerk shall immediately after such publication enter upon the record of ordinances in a blank space to be

left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially.

SEC. 7. In all courts having authority, to hear, try or determine any matter or cause arising under the ordinances of said city, and in all proceedings in said city relating to or arising under any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions, and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any [of the] laws, regulations or ordinances of said city, or any resolution adopted by the council thereof, the same may be read in all courts of justice, and in all proceedings from a record thereof kept by the city clerk or from a copy thereof, or of such record thereof certified by the city clerk under the seal of the city, or from any volume of ordinances purporting to have been written or printed by authority of the council.

Causes arising
under
ordinances.

CHAPTER X.

ENFORCEMENT OF ORDINANCES.

SECTION 1. Every suit or prosecution for [violations] violation of the ordinances of said city shall be commenced within two years after the commission of the offense, and shall be brought within the city.

Prosecutions.

SEC. 2. Whenever any pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no [provision] provisions shall be made for the imprisonment of the offender on conviction thereof, such penalty or forfeiture may be recovered in an action [of] debt, or in *assumpsit*; and if it be a forfeiture of any property it may be sued for and recovered in an action of trover, or other appropriate action. Whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance the same shall be sued for in one of the actions aforesaid.

Recovery of
penalty.

SEC. 3. Such [action] actions shall be brought in the name of the city, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings and all proceedings in the cause shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of laws of the State. Upon [the] rendition of judgment, against the defendant, execution shall issue forthwith, and except when against a corporation shall, require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a sat-

Action to be in
name of city.

Executions.

isfaction of judgment, nor shall costs be allowed to the defendant in any such action.

Prosecutions. SEC. 4. Prosecutions for violations of the ordinances of the city may also, in all cases except against corporations, be commenced by warrant for the arrest of the offender.

Form of warrant. SEC. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings, and all proceedings upon the trial of the cause and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and in the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be to the provisions of law regulating the proceedings in criminal causes cognizable by justices of the peace.

Judgment. SEC. 6. If the accused shall be convicted the court shall render judgment thereon, and inflict such punishment either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order.

Execution of judgment. SEC. 7. Every such judgment shall be executed by virtue of an execution or warrant, specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defender until the expiration of the term mentioned in the sentence and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in either case above mentioned shall the imprisonment without payment operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment alone is imposed a warrant of commitment shall issue accordingly in the former case, until the expiration of the sentence unless the fine and costs be sooner paid and in the latter for the term named in the sentence.

Imprisonment in default of payment. SEC. 8. Said city shall be allowed the use of the jail of Bay county for the confinement of all persons liable to imprisonment under the ordinances thereof or under any other provisions of this act; and any person so liable to imprisonment may be sentenced to, and committed to imprisonment in such county jail or in the city prison, or other place of confinement provided by the city, or authorized by law and the sheriff or other keeper of such jail, or other place of confinement or

May use county jail.

imprisonment shall receive and safely keep any person committed thereto as aforesaid until lawfully discharged.

SEC. 9. All process issued in any prosecution or proceeding for the violation of any ordinance of the city, shall be directed to the chief of police or to any policeman of the city, and may be executed in any part of the State by said officers or any other officers authorized by law to serve process issued by justices of the peace.

Process to be directed to chief of police or policeman.

SEC. 10. It shall not be necessary in any suit, proceedings, or prosecution, for the violation of any ordinance of the city, to state or set forth such ordinance or any provisions thereof in any complaint, warrant, process or pleading therein; but the same shall be deemed sufficiently set forth or stated, by reciting its title and the date of its passage or approval. It shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially and with reasonable certainty as to the time and place the act or offense complained of, and to allege the same to be in violation of an ordinance of the city referring thereto by its title and the day of its passage or approval, and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence and provisions of the ordinances of the city and [the] resolutions of the council, and of the authority of the city to enact the same.

Reference to ordinances violated.

SEC. 11. In all prosecutions before any justice of the peace for violations of ordinances of the city, either party may require a trial by jury such jury, except where other provision is made shall consist of six persons; and in suits commenced by warrant shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrate. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party or interested on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.

Trial by jury.

SEC. 12. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant before any justice of the peace as aforesaid may remove the judgment and proceedings into the circuit court for the county in which the city is located by appeal or writ of *certiorari*; and the proceedings therefor, and the bond or security to be given thereon and the proceedings and [disposition] dispositions of the cause in the circuit court shall be the same as on appeals and *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party brought before a justice of the peace to recover any penalty or forfeiture for such violation, either party may appeal from the judgment, or remove the proceedings by *certiorari*, into the circuit court and the like proceedings shall be had thereon and the like bond or

Appeal to circuit court.

Bond to be given.

security shall be given, as in cases of appeal and *certiorari* in civil causes tried before justices of the peace, except that the city shall not be required to give any bond or security therein. The circuit court to which the causes shall be appealed or removed by *certiorari* shall also take judicial notice of the ordinances of this city, and the resolutions of the council and of the provisions thereof.

Payment of
fines.

SEC. 13. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or person receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty or any part thereof shall pay the same into the city treasury, except such fines as by the constitution are appropriated for library purposes on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.

Council to sue
for fines in
certain cases.

SEC. 14. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provisions, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving any such fine, who shall wilfully neglect or refuse to pay over the same as required by the foregoing provisions shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Dispositions of
fines.

SEC. 15. Fines paid into the city treasury for violations of ordinances of the city, shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city excepting such part as shall be paid by costs collected, shall be defrayed by the city.

Jurisdiction of
circuit court.

SEC. 16. The circuit court of the county of Bay, shall have jurisdiction to hear, try, and determine all cases arising under the ordinances of the city for violation thereof when the fine or forfeiture imposed shall exceed one hundred dollars, or where the offender may be imprisoned for a term exceeding three months. The proceedings in the circuit court in all such cases shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of the criminal laws of the State; and the general laws of the State regulating prosecutions in criminal cases, and to recover penalties shall apply.

SEC. 17. The justices of the peace of the city, except as herein otherwise provided, shall have exclusive original jurisdiction in all cases mentioned in the preceding section and exclusive original jurisdiction in all violations of the penal laws of the State, and all criminal matters, causes, suits, and proceedings whatsoever, relative thereto, committed within the corporate limits of the city of West Bay City when the fine or forfeiture imposed shall not exceed one hundred dollars, or when the offender may be imprisoned for a term not exceeding three months. Jurisdiction of justices of the peace.

SEC. 18. In all prosecutions for violations of the ordinances of the city, commenced by any person other than an officer of the city, the court may require the prosecutor to file security for the payment of the costs of the proceedings, in case the defendant is acquitted. But he shall not be liable for the payment of the costs if the magistrate before whom the complaint is made, or trial is had, shall certify in his minutes that there was probable cause for the making of such complaint. Security in certain cases.

CHAPTER II.

GENERAL POWERS OF THE CITY CORPORATION.

SECTION 1. Said city shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same as they may deem proper, viz.: Ordinances.

First, To restrain and prevent vice and immorality, gambling, noise, and disturbance, indecent or disorderly language or conduct, or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order and to protect the property of the corporation and of its inhabitants and of any association, public or private corporation or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith; To restrain vice, immorality, gambling.

Second, To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards, and persons found drunk in any of the public streets or places in the city, disorderly persons and persons conducting themselves in a disorderly manner in any of the public places or streets in the city, and common prostitutes; To punish certain persons.

Third, To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisance, and to punish those occasioning them, or refusing or neglecting to abate, discontinue or remove the same; Nuisances.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to Disorderly houses.

- play at games of chance, and to punish the keepers thereof; and to provide punishment for those frequenting the same;
- Billiard tables.** *Fifth,* To regulate or license the use of billiard and pool tables, nine or ten pin alleys or tables, and ball alleys;
- Gaming.** *Sixth,* To prohibit and suppress every species of gaming, and to authorize the seizure and destruction and of all instruments and devices used for the [purposes] purpose of gaming;
- Intoxicating liquors.** *Seventh,* To prohibit and prevent the selling or giving of any spirituous, fermented, or intoxicating liquors to any drunkard or intemperate person, minor, or apprentice, and to punish any person so doing, and to regulate the selling or giving of cigarettes to any person;
- Sports, exhibitions.** *Eighth,* To regulate, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows; and all exhibitions of whatever name or nature for which money or other reward is in any manner demanded or received; lectures on historic, literary, religious, or scientific subjects excepted;
- Observances of the Sabbath.** *Ninth,* To prevent and punish violation of the Sabbath day, commonly called Sunday and the disturbance of any religious meeting, congregation, or society, or other public meeting assembled for any lawful purpose and to require all places of business to be closed on Sunday;
- Auctioneers.** *Tenth,* To license auctioneers, auctions and sales at auction, to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at auction or by any manner of public bidding or offers by the buyers or sellers after the manner of action sales and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;
- Hawkers, peddlers.** *Eleventh,* To license hawkers, hucksters, peddlers, and pawnbrokers, and hawking and peddling, and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments, or any kind of property or thing by persons going about from place to place in the city for that purpose or from any stand, cart, vehicle or other device in or upon the streets, highways, alleys, sidewalks, or in or upon the wharves, docks, or upon boats, open places or spaces, public grounds or buildings in the city;
- Boats.** *Twelfth,* To license and regulate wharf boats, and to regulate the use of tugs and other boats used in and about the harbor, and within the jurisdiction of the city;
- Ferries.** *Thirteenth,* To establish or authorize, license and regulate ferries to and from the city or any place therein, or from one part of the city to another, and to regulate and prescribe from time to time the charges and prices for the transportation of persons and property thereon;

Fourteenth, To regulate and license all taverns and houses of public entertainment; all saloons, restaurants, and eating houses; and to regulate and prescribe the location of the saloons; Taverns.

Fifteenth, To license and regulate all vehicles, of every kind, used for the transportation of person or property for hire in the city; and to regulate and fix their stands on the street and public places, and at wharves, boat landing, railroad station grounds and other places; Vehicles.

Sixteenth, To provide for and regulate the inspection, of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions; Inspection of meats.

Seventeenth, To regulate the inspection, weighing, and measuring of brick, lumber, fire-wood, coal, hay and any article of merchandise; Weights and measures.

Eighteenth, To provide for the inspection and sealing of weights and measures and to enforce the keeping and use of proper weights and measures by vendors; Idem.

Nineteenth, To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters; Vaults.

Twentieth, To prohibit and prevent, in the streets, or elsewhere in the city indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind; Obscene exhibitions.

Twenty-first, To regulate or prohibit bathing in the river, ponds, streams, and waters of the city; Bathing.

Twenty-second, To provide for clearing the river, ponds, canals and streams of the city, and the races connected therewith, of all driftwood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive; and to prohibit and prevent the deposit therein of any earth, ashes, sawdust, or other matter tending to obstruct the same; Rivers.

Twenty-third, To compel the owner or occupant of any grocery, tallow-candler shop, soap or candle factory, butcher shop or stall, slaughter house, stable, bar, privy, sewer, or other offensive, nauseous or unwholesome place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of the city; Unwholesome places.

Twenty-fourth, To regulate and provide for the keeping, selling and using of gunpowder, and to regulate or prohibit the sale or use of fire-crackers and fire works, and other combustible material, and the exhibition of fire-works and the discharge of fire arms, and to restrain the making or lighting of fires in the streets and other open spaces in the city; Combustible materials.

Twenty-fifth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; Drains and privies.

- Fraudulent devices.** *Twenty-sixth*, To prohibit, prevent, and suppress mock auctions, and every kind of fraudulent games, device or practice, and to punish all persons managing, using, practicing or attempting to manage, use, or practice the same, and all persons aiding in the management or practice thereof;
- Lotteries.** *Twenty-seventh*, To prohibit, prevent and suppress all lotteries for the drawing or disposing of money, or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing or managing the same;
- Draymen, etc.** *Twenty-eighth*, To license and regulate solicitors for passengers or for baggage to and from any hotel, tavern, public house, boat or railroad, and to provide the places where they may [be] admitted to solicit or receive patronage; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;
- Care of paupers.** *Twenty-ninth*, To provide for the protection and care of paupers, and to prohibit and prevent all person from bringing to the city, from any other place, any pauper, or other person likely to become a charge upon the city, and to punish therefor;
- Census.** *Thirtieth*, To provide for taking a census of the inhabitants of the city, whenever the council shall see fit; and to direct and regulate the same;
- Dogs.** *Thirty-first*, To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses; and regulate and prevent the running at large of dogs, to require them to be muzzled, and authorize the killing of all dogs not licensed or running at large in violation of any ordinance of the city;
- Toy pistols.** *Thirty-second*, To prohibit and punish the use of toy pistols, sling shot and other dangerous toys or implements within the city;
- Hitching horses.** *Thirty-third*, To require any horses, mules or other animals attached to any vehicle standing in any of the streets, lanes or alleys in the city, to be securely fastened, hitched or watched, or held; and to regulate the placing and provide for [the] preservation of hitching posts;
- Street numbers.** *Thirty-fourth*, To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants to affix numbers on the same; and to designate and change the names of public streets, alleys and parks;
- Public fountains, reservoirs.** *Thirty-fifth*, To provide for, establish, regulate and preserve public fountains and reservoirs within the city; and troughs and basins for watering animals as they may deem proper;

Thirty-sixth, To prevent or provide for the construction and operation of street railways and to regulate the same to determine and designate the route and grade of any street railway to be laid or constructed in the city; Street
railroads.

Thirty-seventh, To establish and maintain a public library, and to provide a suitable building therefor, and to aid in maintaining such other public libraries as may be established within the city by private beneficence as the council may deem to be for the public good; Public library.

Thirty-eighth, The council may also license transient traders, which shall be held to include all persons who may engage in the business of selling goods or merchandise after the commencement of the fiscal year, and the license fee in such cases may be apportioned with relation to the part of the fiscal year which has expired, but such traders if they continue in the same business shall not be required to take out a second license after the commencement of the next fiscal year: *Provided,* Such goods or merchandise have been assessed for taxes for said fiscal year. To license transient traders.

Fortieth, The council shall further have authority to enact all ordinances, and to make all such regulations consistent with the laws and constitution of the State as they may deem necessary for the safety, order and good government of the city and the general welfare of the inhabitants thereof; but no exclusive right, privileges or permits shall be granted by the council to any person or persons, or to any corporation for any purpose whatever. Authority of
council.

Exclusive
rights not to
be issued.

SEC. 2. The council may prescribe the terms and conditions upon which licenses may be granted and may exact and require payment of such reasonable sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation when required by the council in such sums as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the council, and otherwise conditioned as the council may prescribe. Every license shall be revocable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed forfeit all payments made for such license. Licenses.

SEC. 3. No license shall be granted for any term beyond the first Monday in June next thereafter, nor shall any license be transferable, and the council may provide for punishment by fine or imprisonment or both, of any person who, without license shall exercise any occupation, or trade or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council. Idem.

Idem.

SEC. 4. All sums received for licenses granted for any purpose by the city or under its authority, shall be paid into the city treasury to the credit of the general fund.

Steam or electric railroads.

SEC. 5. The council of said city shall have authority to permit any railroad company or street railway company to lay its track and operate its road with steam, electric or other power, in or across the streets, highways and public places of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company as the council may prescribe and to prohibit the laying of such track or the operating of any such road except upon such terms and conditions. But such permission shall not affect the right or claim of any person for damages sustained by reason of the construction or location of any such railroad or street railway: *Provided*, That no franchise for the use or occupancy of any street for any purpose shall be granted to an individual, company or corporation except a two-thirds vote of all the aldermen elect, nor shall any such franchise be granted for a period exceeding thirty years.

Street grades.

SEC. 6. The council shall have power to provide for and change the location and grade of street crossings of any railroad track; and to compel any railroad company or street railway company to raise or lower their railroad track to conform to street grades which may be established by the city from time to time and to construct street crossings in such manner and with such protection to persons crossing thereat, as the council may require; and to keep them in repair; also to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossing during the night; to regulate and prescribe the speed of all locomotives and railroad trains and street railway cars within the city, but such speed shall not be required to be less than six miles per hour; and to impose a fine of not less than five nor more than fifty dollars, upon the company and upon any engineer or conductor violating any ordinance regulating the speed of trains.

Speed of trains.

Railway companies to keep open and repair ditches.

SEC. 7. The council shall have power to require and compel any railroad company and any street railway company to make, keep open and in repair, such ditches, drains, sewers, and culverts along and under, or across their railroad tracks as may be necessary to drain their grounds and right of way properly and in such manner as the council shall direct, so that the natural drainage of adjacent property shall not be impeded. If such railroad company or street railway company shall neglect to perform any such requirement, according to the directions of the council, the council may cause the work to be done at the expense of such company and the amount of such expense may be collected at the suit of the city

against the company in a civil action before any court having jurisdiction of the cause.

SEC. 8. The council is authorized to enact all such ordinances and by-laws as it may deem proper relative to the building, re-building, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, enclosures and parcels of land in any city; and relative to the assigning to the owners or occupants of such adjoining pieces of land the portion of such partition fence to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences; and the council may appoint fence viewers, and prescribe their duties and mode of proceeding in all cases relating to partition fences in said city. Fences.
Damages.

SEC. 9. The council shall have power to direct the deposit of all moneys in any reliable bank or banks and to contract with any such bank or banks for the safe keeping of all public moneys and for the receipt of interest thereon, upon such moneys of the corporation deposited with such bank or banks, and to be drawn on account current from such bank or banks by the city through its proper officer; and such interest shall belong and be credited to the general fund: *Provided*, That when the council has directed the treasurer to deposit said money with any bank or banks, they shall give a bond to the city, with securities in number and amount to be approved by the council, sufficient to protect the city from loss and the treasurer shall be relieved from all liability for such moneys so deposited until the same are drawn out by him. Deposits of
moneys.

CHAPTER XII.

COMPTROLLER.

SECTION 1. The comptroller, when elected as hereinbefore provided shall enter upon the duties of his office on the second day of April of the year when elected: *Provided*, That the comptroller now in office shall continue to hold his office during the term for which he was elected, and until his successor is duly elected and qualified and shall have the powers and perform the duties in this act conferred upon the comptroller. Comptroller,
when to take
office.
Proviso.

SEC. 2. Before entering upon the duties of his office, such comptroller shall make and file with the clerk of said city his oath of office, and shall also give to said city a bond for the faithful performance of the duties of his office, with such sum and with such sureties as may be fixed and approved by the council. To take oath
of office.
To give bond.

Board of
assessors.

SEC. 3. The comptroller and the assessors appointed by the council shall compose the board of assessors of West Bay City and shall annually estimate the value of all the taxable real and personal property in the city, and make the assessment rolls at the time and in the manner hereinafter provided; he shall spread upon said roll any and all taxes duly certified to him by order of the council, by the board of supervisors of Bay county, or by any other proper authority; and his warrant attached to said rolls directing the collection of the taxes so levied and spread thereon shall have the same power and effect as a warrant of a supervisor made in accordance with the State law. He shall be a member of the board of supervisors of Bay county, with the powers, duties and privileges of township supervisors.

Duty of comp-
troller.

SEC. 4. It shall be the duty of the comptroller to keep the financial accounts of the city, to countersign all bonds and all evidences of debt, and all transfers of property which the council are authorized to issue or make; to receive all accounts and demands against the city, examine them in detail, and audit or allow them, or such parts thereof as he may deem correct and proper and which the claimant is willing to accept in full discharge thereof, except as otherwise provided in this act, with the date of their allowance and the funds out of which payable, and when so audited, settled, filed, dated and numbered, to report the same to the council, and when payment thereof shall be duly authorized by the council, to countersign and register the orders drawn therefor by the clerk upon the city treasurer. No claim so audited shall be binding upon the city, nor shall the same be paid, or any warrant or order drawn therefor until approved by the council. The comptroller shall keep a record of bonds issued by said city, with the number, amount, dates when issued and when payable, and all coupons attached thereto, and shall keep account in proper books of all such bonds and the bonded indebtedness of the city for the information of the council. He shall also in like manner keep account of all funds, taxes, assessments, receipts and expenditures, and on the second Monday of March in each year make and present a full statement and balance sheet of the financial accounts of the city, with such recommendations and explanations as he may deem proper to add thereto.

To keep record
of bonds issued.

To advertise
for proposals
for contracts.

SEC. 5. It shall be the duty of the comptroller to advertise and receive proposals for all contracts for and on behalf of the city, except as in this act otherwise provided, and the comptroller shall report his action thereon to the council. He shall sign all contracts and agreements on behalf of the city, except as in this act otherwise provided, subject to the orders of the council, and he shall make all purchases of materials, tools, books, stationery, apparatus and property for the city or its officers, not otherwise provided for herein, as ordered

by the council. He shall keep a record of all officers and employes of the city, and certify the pay roll of all such officers and persons, to the council. He shall be charged with the leasing, repairing, insuring, and general supervision of the property of the city, and for his information may require reports from all officers and persons having any city property in their charge or possession and report upon same when required by the council. He shall exercise a general supervision over financial concerns and interests of the city and shall keep a complete set of books exhibiting the condition of the city in its various departments and funds, its resources and liabilities, with proper classification thereof, and of each fund or appropriations for any distinct object or expenditures, or class of expenditures.

SEC. 6. Whenever any fund or appropriation has been exhausted by warrants drawn thereon, or by appropriations, liabilities, debts or expenses actually incurred or contracted for, no further warrants shall be drawn by the city clerk nor countersigned by the comptroller against such fund until another appropriation shall be made. The comptroller shall open an account with the treasurer in which he shall charge such treasurer with the whole amount of taxes, special or general, levied in said city, and placed in his hands for collection. All sums received for licenses, rents and all other moneys which may be paid into the city treasury and all bonds, coupons, notes, leases, mortgages, interest and bills receivable of said city of whatever nature, he shall charge to the treasurer, and all taxes which may be placed in his hands for collection, and he shall charge all other officers of the city with all funds, moneys and properties placed or being in their possession, and shall require settlement with such officers at least once in each year and as much oftener, not to exceed once in each month, as he or the council may deem proper for the best interest of the city.

Warrants not
to be drawn on
funds ex-
hausted.

SEC. 7. The comptroller shall give the city treasurer and all other officers credit for all moneys disposed of by them, upon showing proper voucher and for all property consumed, expended or destroyed by accident or by ordinary wear and use, and he shall also perform such other duties as may be prescribed by this act, or by the ordinances or resolutions of the council, not inconsistent with the provisions of this act. He shall have a seat in the council, and may speak upon all matters before the council that relate to the duties of his office but he shall have no vote in said council.

To give officers
credit for
money disposed
of by them.

SEC. 8. The comptroller shall receive for his services such annual salary as the council shall prescribe, but such annual salary shall not exceed one thousand dollars. The council whenever they shall deem it necessary, may appoint such clerical help or assistance for such comptroller, with such compensation as they may deem proper and necessary.

Compensation.

CHAPTER XIII.

POLICE DEPARTMENT.

- Police.** SECTION 1. The police force of the city shall consist of a chief of police, who shall be *ex officio* harbor master, and such number of policemen with pay, and such number of policemen and watchmen without pay as the common council may
- To take oath of office.** appoint as in this act provided. Each member of the police force appointed by the council shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the constitution of this State, and file the same with the
- Term of office.** city clerk. After filing said official oath, the chief of police and each policeman so appointed, shall hold his office during good behavior, and shall have power to serve any summons, subpoena, warrant, order, notice, paper or process whatever, issued or directed by any justice of the peace or officer whatever in the execution of the laws of the State or ordinance of the city, for the prevention of crime and punishment of
- Powers of.** offenders in any part of this State. They shall have power to serve process for any violation of the city ordinances and generally shall have and exercise the powers as conservators of the peace which township constables under the general laws of the State possess, but such policemen shall have no power to serve any civil process. For the time engaged in active service, each member so engaged shall be paid such sum and at such times as shall be prescribed by the council:
- Proviso.** *Provided,* That the persons now holding the offices of chief of police and policemen of West Bay City, shall constitute the police force of said city and hold their respective offices until the council shall have appointed members of the police force as herein provided; and they shall perform such duties as are prescribed by this act to be performed by the members
- Police committee.** of the police force of said city. The council shall annually appoint four of their number members of a police committee, the aldermen thus appointed together with the mayor shall constitute and be known as the police committee of West Bay City, the mayor shall be chairman of said committee and the city clerk the clerk thereof.
- Power to try complaints.** SEC. 2. Such police committee shall have power to try and determine all complaints against any member of the police force and upon conviction of any member of the police force by a vote of a majority of the members of such committee of incompetency, misbehavior, insubordination, neglect of duty, or violation of any of the rules or regulations made by the council for the government of the police department, such member shall be suspended from duty, and shall be reported by such committee to the council together with a report of his

conviction: *Provided*, That such report shall be made to the Proviso.

council by said committee at the next regular meeting of the council after such conviction and if by a majority vote of the members elect of said council such conviction be confirmed such person shall be removed from office and the vacancy thus made may be filled by the council forthwith; in case such conviction is not confirmed as aforesaid such person shall be reinstated. The mayor or chief of police may suspend any policeman during the pendency of an investigation by the police committee of any charge against any such policeman.

Suspension of police.

The council shall have power at any time to diminish the number of policemen and police officers employed by the city, by dismissing and removing any member of the police force, but no member of the police force shall be removed except as hereinbefore provided unless two-thirds of the members elect of the council shall first vote in favor of such decrease in the number of policemen or officers. Such committee, when convened for the purpose mentioned in this section, shall be vested with full power to subpoena witnesses, issue warrants to compel the attendance of witnesses, administer oaths, take and record testimony, and do such other acts as may be lawfully done by any court for the purposes mentioned in this section, and the majority of such committee shall constitute a quorum for the transaction of business.

Power of council to regulate number of police force.

Two-thirds vote required.

Powers to subpoena witnesses.

SEC. 3. It shall be the duty of such police committee and of the police force hereby constituted and continued, at all times of the day and night within the boundaries of West Bay City to preserve the public peace and prevent crime and arrest offenders, to protect the rights of persons and property, to guard the public health, to preserve order, to enforce all laws of the State and all ordinances of said city and lawful resolutions of the council, to remove nuisances existing in the public streets and highways. No member of the police force shall receive or share in under any pretense whatsoever, any present, fee, gift or emolument for police service other than the regular salary and pay; nor shall any member of said force receive or share in any fee, gift, emolument or reward from any person who may become bail for the appearance of any one arrested, accused or convicted of any offense, or who may become surety on appeal from the judgment or decision of any court or magistrate; or any gift, fee or reward from any attorney-at-law who may prosecute for any offense within the city of West Bay City; nor shall any member, either directly or indirectly, interest himself or interfere in any manner whatever in the employment or retainer of any attorney to aid in the defense; and for any violation of this section the member offending shall be immediately removed from office.

Duties of police.

Not to share in rewards.

SEC. 4. The council may make and establish rules for the regulation and government of the police force, prescribing and

Police regulations.

defining the duties of the chief of police, police and [night watchmen,] nightwatchman, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence and protect public and private property from destruction by fire and from unlawful depredations. And such police committee is hereby authorized whenever it shall deem it necessary for the preservation of peace and good order in the city to appoint and place on duty such number of temporary policemen as in their judgment the emergencies of the case may require, but such appointments unless made in accordance with some ordinance or resolution of the council, shall not continue longer than ten days. The chief of police, subject to the direction of the police committee shall have the superintendency and direction of the policemen and night watchmen, subject to such regulations as may be prescribed by the council.

CITY SURVEYOR.

Duties of city
surveyor.

SECTION 1. The city surveyor, if one be appointed, shall have and exercise within the city the like powers and duties as are conferred by law upon county surveyors; and the like effect and validity shall be given to his official acts, surveys and plats as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications required by the council or officers of the city relating to the public improvements, buildings, grounds and streets of the city, and he shall be authorized and required by the council to superintend the public works under the direction of the council.

CHAPTER XIV.

PUBLIC HEALTH.

Council to
exercise power
of board of
health.

City physician.

Council may
establish board
of health.

SECTION 1. The council of the city of West Bay City shall also have and exercise within and for the city all the powers and authority conferred upon boards of health by chapter forty-six of compiled laws of eighteen hundred and seventy-one, so far as the same are applicable and consistent with this act, and may appoint a physician to be known as the city physician, and they may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

SEC. 2. The council, when deemed necessary, may establish a board of health for the city and appoint the necessary officers thereof and provide rules for its government, and invest it with such power and authority as may be necessary

for the protection and preservation of the health of the city; and in addition thereto, the board shall have and exercise all the powers and authority conferred on boards of health by the chapter of the compiled laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule, or regulation made by the board of health or any officer thereof.

SEC. 3. The said board of health shall have power, and it shall be their duty to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the city; to stop, detain and examine, for that purpose, every person coming from any place infected or believed to be infected with such a disease; to establish, maintain, and regulate a pest house or hospital at some place within the city, or not exceeding three miles beyond its bounds; to cause any person not being a resident of the city who shall be infected with any such disease to be sent to such pest house or hospital; to remove from the city or destroy any furniture, wearing apparel, goods, wares, or merchandise, or other articles, or property of any kind which shall be suspected of being tainted or infected with any pestilence or which shall be or likely to pass into such a state as to generate and propagate disease, after paying to the owner or owners thereof the full value in cash; to abate all nuisances of every description which are or may be injurious to the public health, in any way and in any manner they may deem expedient; and from time to time to do all acts, make all regulations, and pass all ordinances which they shall deem necessary or expedient for the preservation of health and the suppression of disease in the city and to carry into effect and execute the powers hereby granted.

Contagious diseases.

SEC. 4. The owner, driver, conductor, or person in charge or any stage coach, railroad car, or any other public conveyance which shall enter the city, having on board any person sick of a malignant fever or pestilential or infectious disease shall within two hours after the arrival of such person report in writing the fact with the name of such person and the house or place where he was put down in the city, to the mayor or some member of the board of health, and any and every neglect to comply with these provisions or any of them shall be a misdemeanor punishable with fine and imprisonment.

Railroads, etc., to notify city of sick persons on board.

SEC. 6. Every keeper of an inn, or boarding house, or lodging house in the city, who shall knowingly have in his house at any time any traveler, boatman, or sailor sick with any infectious or pestilential disease, shall report the fact and the name of the person in writing within six hours after he came to the house or was taken sick therein to the mayor or some officer or member of the board of health. Every physician in the city shall report under his hand to one of the officers above

Hotel keepers, to notify mayor.

Physician to report.

mentioned, the name, residence, and disease of every patient whom he shall have sick of any infectious or pestilential disease within six hours after he shall have visited such patient. A violation of either of the provisions of this section or of any part of either of them shall be a misdemeanor punishable by fine and imprisonment, the fine not to exceed one hundred dollars nor the imprisonment six months.

Penalty for violation.

To examine buildings, fences.

SEC. 7. Whenever in the opinion of the council any building, fence or other erection of any kind or part thereof is liable to fall down, any persons or property may thereby be endangered, they may order any owner or occupant of the premises on which such building, fence, or other erection stands to take down the same or any part thereof within a reasonable time, to be fixed by the order or immediately, as the case may require, and in case the order is not complied with, cause the same to be taken down at the expense of the city on account of the owner of the premises and assess the expense on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises or be published in a paper published in Bay county, as the council shall direct.

Clerk of board
Duties of.

SEC. 8. The said board of health shall have a clerk, whose duty it shall be to attend the meetings thereof and keep a record of its proceedings, and such record or duly certified copy of the same or any part thereof shall be *prima facie* evidence of the facts therein contained in any court or before any officer. The compensation of the clerk of said board of health shall be fixed by said board of health by and with the consent of the council, and such compensation shall be paid in the same manner as the other expenses of said board.

Compensation.

Compensation for reporting dangerous diseases.

SEC. 9. The members of said board of health and physicians reporting diseases dangerous to public health shall receive such compensation for their services as the council shall deem reasonable, to be paid from the general contingent fund of said city.

Fines to be paid into city treasury.

SEC. 10. All fines imposed under this chapter shall belong to the city, and when collected shall be paid into the city treasury and be devoted to the maintenance and support of the pest house, or of any hospital that may hereafter be established by the city.

CHAPTER XV.

CEMETERIES.

Cemeteries.

SECTION 1. The city may acquire, hold and own such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall deem necessary for the public welfare and suitable for the convenience of the inhabitants. It may prohibit

the interment of the dead within the city, or may limit such interments therein to such cemetery, or burial place as the council may prescribe; and the council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burial, to be taken up and buried elsewhere.

SEC. 2. The council may within the limitation of this act Funds. contained raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection and care thereof.

SEC. 3. Whenever the city shall own, purchase or otherwise Trustees. acquire any cemetery or cemetery grounds, the council may appoint three trustees who shall be freeholders and electors in the city, and who shall constitute a "Board of Cemetery Trustees." The three trustees so appointed shall hold Term of. their offices for the term of three years except that at the first appointment one shall be appointed for one year, one for two years, and one for three years, from the second Monday in April of the year when appointed, and annually thereafter one trustee may be appointed. The council may remove any Removal of. trustee so appointed, for inattention to his duties, want of proper judgment, skill, or taste for the proper discharge of the duties required of him or other good reasons. Said board shall serve without compensation, but the council may allow each member of said board, pay for services actually rendered, but in no case shall such compensation exceed fifteen dollars in any one year.

SEC. 4. The board of cemetery trustees shall appoint one Chairman of trustees. of their number chairman, and the city clerk shall be clerk of the board. And the council may, by ordinance, invest the Powers and duties of board. board with such powers and authority as may be necessary for the care, management, and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof, and in addition to the duties herein mentioned, the board shall perform such other duties as the council may prescribe.

SEC. 5. Said board, subject to the directions and ordinances of the council, shall have the care and management of any cemetery or burial places, and shall direct the improvements and embellishments of the grounds; cause such grounds To have control of improvements of cemetery grounds. to be laid out into lots, avenues and walks; the lots to be numbered and the avenues to be named, and plats thereof to be made and recorded in the office of the city clerk. Such board shall also have power in its discretion to take, receive, and hold property, real or personal or devise or otherwise, which may be granted, transferred or devised to such board in trust for the purpose of caring for and keeping in good order and repair any given lot or lots or portions thereof specified in such trust. The board shall fix the price of lots and make the sales thereof. The conveyances of such lots shall be executed Price of lots.

on behalf of the city by the city clerk, and be recorded in his office at the expense of the purchasers.

Superintendent of cemetery.

SEC. 6. Said board shall appoint the necessary superintendents and employes for the cemetery; expend the money provided for the care and improvement of the grounds; enforce the ordinances of the city made for the management and care thereof; and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds as may be consistent with the ordinances of the city and the laws of the State.

Cemetery fund.

SEC. 7. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of the lots therein, or otherwise therefrom shall be paid into the city treasury, and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose, except the purpose of such cemetery. The board of trustees shall report to the council annually on the first Monday in March, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source and from whom; and the date, amount, items and purpose of all expenditures and liabilities incurred and to whom paid, and to whom incurred; and such other matters as the council shall require to be reported—which report shall be verified by the oath of the clerk of the board.

Report to council.

Ordinance for cemetery purposes.

SEC. 8. The council of said city, when owning a public burial ground or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control or regulate such cemetery or burial place, and improvement thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the board of trustees.

Private cemeteries.

SEC. 9. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging to or under the control of any church, religious society, corporation, company or association, and for the protection and preservation of the tombs, monuments and improvements thereof, and the appurtenances thereto.

CHAPTER XVI.

POUNDS.

City pounds.

SECTION 1. The council may provide and maintain one or more pounds within the city and may appoint pound-masters, prescribe their powers and duties, and fix their compensation; and may authorize the impounding of all beasts and

fowls found in the streets or otherwise at large contrary to any ordinance of the city; and if there shall be no pound or pound master they may provide for the impounding of such beasts, and fowls, by the chief of police or other suitable officer in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of pound master.

SEC. 2. The council may also prescribe the fees for impounding, and the amount or rate of expense for keeping and the charges to be paid by the owner or keeper of the beasts, or fowls impounded; and may authorize, the sale of such beasts, and fowls for the payment of such fees, expenses and charges, and for penalties incurred and may impose penalties for rescuing any beast or thing impounded. Fees.

CHAPTER XVII.

HARBORS, WHARVES, AND HARBOR-MASTERS.

SECTION 1. The council of said city, shall have power to establish, construct, maintain and control public wharves, docks, piers, landing places, and levees, basins and canals, upon any lands or property belonging to or under the control of the city; and for that purpose the city shall have the use and control of the shore or bank of the Saginaw river, not the property of individuals to the extent to which the State can grant the same, and the council may lease wharfing and landing privileges upon any of the public wharves, docks or landings, but not for a longer time than five years, and in such manner as to preserve the right of all persons to a free passage over the same with their baggage. Control of wharves.

SEC. 2. The council shall have authority also to require and cause all docks, wharves and landings, whether upon public grounds or upon the property of private individuals to be constructed and maintained in conformity with such grade as may be established therefor by the council and prescribe the line beyond which any such wharf, dock or landing shall not be constructed, or maintained. Construction of.

SEC. 3. The council shall have authority to prohibit the incumbering of the public wharves and landings and to regulate the use of all wharves, docks and landing places within the city; regulate the use and location of wharf boats; and to regulate and prescribe the rates and charges for landing wharfage and dockage at all public and private wharves, docks and landings, and to collect wharfage and dockage from boats, water crafts and floats landing at or using any public landing place, wharf or dock within the city. To prohibit incumbering, prescribe rates.

SEC. 4. The council shall have authority to provide by ordinance for the preservation of the purity of the waters of the harbor, river, or other waters within the city, and Purity of harbor.

Control of
boats.

To enforce
ordinance for
use of harbor.

Harbor-master.

within one-half mile from the corporate boundaries thereof, to prohibit and punish the casting or depositing therein of any filth, logs, floating matter or any injurious thing; to control and regulate the anchorage, moorage and management of all boats, water crafts and floats within the jurisdiction of the city, to prescribe the mode and speed of entering and leaving the harbor, and of coming out and departing from the docks, wharves and landings, by boats water crafts and floats and to regulate and prescribe, by such ordinances or through a harbor master or other officer such location for, any boat, craft, vessel, or float, and such changes of station in and use the harbor as may be required to promote order therein, and the safety and convenience of all such boats, crafts, vessels, and floats; and generally to enact and enforce such ordinances and regulations not inconsistent with the laws of the United States and of this State, as in the opinion of the council shall be most conducive to the orderly, safe and convenient occupancy of the harbor, navigable waters, wharves, docks, piers and landing places within the city.

SEC. 5. The council may also appoint a wharf master, port warden, and such other officers as may be necessary for the enforcement of such ordinances and regulations as the council may lawfully prescribe, in respect to harbors, wharves, docks, landings and basins within the city, and in respect to the navigation, trade and commerce of the city; and may prescribe the powers and duties of harbor master and other officers and fix the compensation to be paid to them.

CHAPTER XVIII.

FERRIES.

Council to
license ferries.

Fees.

Council may
revoke licenses.

SECTION 1. The council of said city may regulate and license ferries from said city or any place or landing therein to the opposite shore, or from one part of the city, to another; and may require the payment of such reasonable sum for such license as to the council shall deem proper; and may impose such reasonable terms and restrictions in relation to the keeping and management of such ferries, and the time, manner and rates of carriage and transportation of persons and property as may be proper, and provide for the revocation of any such licenses and for the punishment, by proper fines and penalties of the violation of any ordinance prohibiting unlicensed ferries and regulating those established and licensed.

CHAPTER XIX.

MARKETS.

SECTION 1. The council of said city shall have the power to erect market houses, establish markets and market places, for the sale of meats, fish, vegetables and other provisions and articles necessary to the sustenance, convenience and comfort of the inhabitants; to prescribe the time for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the venders.

Control of
markets.

SEC. 2. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and preserve order in the market and may authorize the immediate seizure, arrest, and removal from the market of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted or unsound meats or other provisions exposed for sale therein.

To preserve
order and pre-
vent fraud.

CHAPTER XX.

PUBLIC BUILDINGS, GROUNDS AND PARKS.

SECTION 1. The city may acquire, purchase and erect all such public buildings as may be required for the use of the corporation and may purchase, acquire, appropriate, and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes necessary or convenient for the public good, and the execution of the powers conferred in this act and such buildings and grounds, or any part thereof may be sold, leased and disposed of as occasion may require.

City buildings.

SEC. 2. When the council shall deem it for the public interest, grounds and buildings for city prisons, work houses, and other necessary uses, may be purchased erected and maintained beyond the corporate limits of the city; and in such cases the council have authority to enforce beyond the city limits, and over such lands, buildings and property, in the same manner and to the same extent as if they were situated within the city all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prison, work houses or hospitals.

City buildings
beyond corpo-
rate limits.

SEC. 3. The council shall have authority to lay out, establish and enlarge, or vacate or discontinue public grounds and parks within the city, and to improve, light and ornament the same and to regulate the care thereof, and to protect the same and the appurtenances thereof from obstruction, encroachment and injury, and from all nuisances.

Improvement
of public
grounds.

CHAPTER XXI.

SEWERS, DRAINS, AND WATER-COURSES.

Council to establish sewers.

To use private property.

Council to have control of sewerage system.

Sewerage system.

Specifications for districts.

Special sewer districts.

Main or trunk sewers.

City clerk to record abstract of proceedings.

Costs of main or trunk sewers, how paid.

SECTION 1. The council of said city may establish, construct and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the same manner prescribed in this act for taking such property for public use. But in all cases where it is practicable, such sewers and drains shall be constructed in the public streets and grounds.

SEC. 2. The council shall have the management, supervision and control of the sewers, sewerage system and drainage of the city, and the charge of their construction.

SEC. 3. Whenever it may become necessary in the opinion of the council to provide sewerage and drainage for the city, or for any part thereof it shall be their duty to devise, or cause a plan of such sewerage or drainage to be devised for the whole city, or for such part thereof as they shall determine.

SEC. 4. Such plans shall be formed with a view to the division of the city into main sewer districts, each to include one or more main or principal sewers with the necessary branches and connection; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats and diagrams of such plan, when completed shall be submitted to the council and when adopted by the council shall be filed in the office of the city clerk.

SEC. 5. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with the main sewer and such land as in the opinion of the council will be benefited by the construction thereof. When deemed necessary, special sewer districts to include one or more local or branch sewers and such land as in the opinion of the council, will be benefited by the construction thereof may be formed of territory not included in any main sewer district.

SEC. 6. The council may, however, provide for main or trunk sewers without reference to sewer districts, and may cause to be prepared diagrams or plats thereof, which, when approved by said council shall be recorded in the office of the city clerk in the book of sewer records. Said clerk shall also record in the book of sewer records an abstract of all proceedings of the council relating to any sewer and the plans thereof.

SEC. 7. The costs and expenses of establishing and making any main or trunk sewer, constructed with or without reference to sewer districts and the costs and expenses of any lateral, branch or local sewer constructed with or without reference to sewer districts shall be paid from the general and dis-

trict sewer fund and by special assessment as provided in chapter twenty-four of this act: *Provided*, That the council shall have power by resolution to determine either before or after construction, that the whole or any part of the cost of any lateral sewer, and that the whole or any part of that proportion of the cost of any main sewer which in the opinion of the council, shall equal the cost of a twelve-inch lateral sewer, shall be assessed upon the property especially benefited thereby in proportion to the benefit derived by such property from the construction of said sewer, and to direct such special assessment to be made by the comptroller. Proviso.

SEC. 8. Before proceeding to the construction of any district sewer the council shall cause to be prepared a diagram and plat of the whole sewer district showing all the streets, public grounds, lands, lots and sub-divisions thereof in the district, and the proposed route and location of the sewer; and the depth, grade and dimension thereof and shall procure and estimate the cost thereof and thereupon the council shall give notice by publication, once in each week, for at least two weeks, in the official newspaper of the city, of the intention to construct such sewer, and where said diagram and plat may be found for examination, and of the time when the council will meet and consider any suggestion and objection that may be made by parties interested with respect to such sewer. Procedure in building sewers.

Council to give notice by publication of intention to construct sewers.

SEC. 9. When the council shall determine to construct any such district sewer they shall so declare by resolution, designating the district and describing by reference to the plat and diagram thereof mentioned in the preceding section, the route and location, grade and dimension of the sewer, the cost and expense of same shall be defrayed in the manner as provided in section seven (7), chapter twenty-one (21) and section three (3) chapter twenty-four (24) of this act; and they shall cause such plat and diagram as adopted to be recorded in the office of the city clerk in the book of sewer records. District sewers. council to declare by resolution intention to build.

SEC. 10. Special assessments for the construction of sewers shall be made by the comptroller in the manner provided in this act for making special assessment. Manner of making special assessments.

SEC. 11. When the owners of a majority of the lands liable to taxation in any sewer district or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein the council shall construct a district sewer in such location and if the lands in the line of such proposed sewer are not within any sewer district a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council. Sewers to be constructed on petition of land owners.

SEC. 12. Whenever the council shall deem it necessary for the public health they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drain in When council may require private drains to be constructed.

repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirements, the council may cause the work to be done at the expense of such owner or occupant and the amount of such expense shall be a lien upon the premises drained and may be collected by special assessment to be levied thereon in the manner hereinafter provided for the levying and collecting of special [assessment] assessments.

Owner to have right to connect with public sewers.

SEC. 13. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense by means of private drains, with the public sewers and drains under such rules and regulation as the common council shall prescribe.

Council may charge annual sum for private sewer connections.

SEC. 14. The common council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.

Cost of improvements, how defrayed.

SEC. 15. Such part of the expense of providing ditches and improving water-courses as the council shall determine may be defrayed by a special assessment upon the lands and premises benefited thereby in proportion to such benefits.

What expenses may be made from the general fund.

SEC. 16. The expense of repairing public sewers, ditches, and water courses may be paid from the general fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

Council may enact ordinance for control of sewers.

SEC. 17. The council may enact such ordinances as may be necessary for the protection and control of the public drain and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city.

May borrow money and issue bonds for sewer.

SEC. 18. To meet the expense of the construction of sewers in the respective sewer districts of the city, in anticipation of the collection of the assessments and taxes to defray the costs thereof, the council may, by resolution, declare the amount necessary to be so raised for sewers, and by like resolution authorize and direct the mayor, comptroller, and the clerk of said city, to borrow a sum not exceeding in any one year three and one-half mills on each dollar of the assessed value of the property in said city, as shown by the last preceding tax roll, and for that purpose to issue the bonds of the city bearing interest at a rate not exceeding six per cent per annum, payable annually, and to pledge the faith and credit of the whole city for the prompt payment of the principal and interest to the holder thereof: *Provided*, That the total amounts of bonds which the council is thus authorized to issue shall not exceed one and one-fourth per cent of the assessed value of the property [in] of said city, according to the last preceding tax

Proviso.

roll, at any one time. Of the amount of bonds which may be issued in any one year, one-fifth shall be made payable in one year, and one-fifth in two years, one-fifth in three years, one-fifth in four years, and one-fifth in five years, from the date of their issue, all to be endorsed "Sewer Bonds" and numbered consecutively. Said bonds shall not be sold for less than their par value and the proceeds of the same shall be paid the city treasurer, and be by him placed to the credit of the separate sewer [fund] funds of the proper sewer district. All such bonds shall be paid at maturity, and the council shall not have power to authorize the reissue of such bonds or of bonds to take up said original bonds. The amount and number of the bonds issued for each sewer district shall be specified. The proceeds shall be paid into the separate fund of each sewer district, and the respective districts shall be separately taxed and pay for the cost of such sewers within their respective limits, as in this act provided, and the said bonds issued therefor, and for all advances made by the city for interest or principal thereof.

Bonds, how payable.

CHAPTER XXII.

STREETS AND PUBLIC GROUNDS.

SECTION 1. The council shall have the power to construct bridges and shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city and shall cause the same to be kept in repair and free from nuisance. The city shall not be liable in damages sustained therein by any person either to his person or property by reason of any defective street, sidewalk, crosswalk, or public highway, or by reason of any obstruction, ice, snow, or other incumbrance upon such street, sidewalk, crosswalk or public highway, situated in said city unless such person shall serve or cause to be served, within sixty days after such injury shall have occurred, a notice in writing upon the clerk of said city, which notice shall set forth substantially the time when and place where such injury took place, the manner in which it occurred, and the extent of such injury as far as the same has become known and that the person receiving such injury intends to hold the city liable for such damages as may have been sustained by him. All such facts as heretofore named relating to personal injuries shall be set forth in an affidavit made by claimant; such affidavit shall also state the name of the attending, physician, if any, the amount of money if any, expended for medical attendance, the loss of time and the value thereof, and shall fully describe the nature and extent of the injury received, and the amount of

Council to have power, etc., over bridges, highways.

When city to be liable for damages.

What injured person must do.

When claims to be presented in case of negligence of an officer.

compensation claimed by reason of such damage or injury. All claims for damages against the city growing out of negligence or default of said city or of any officer or employé thereof, shall be presented to the council in the manner above provided within sixty days after such damage has been sustained or injury received and in default thereof shall thereafter be forever barred.

Council may open, widen, etc., any street.

SEC. 2. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate or abolish any highway, street, or alley in the city, whenever they shall deem the same a public improvement, and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement may be paid by special assessments upon the property adjacent or benefited by such improvement; in the manner in this act provided for levying and collecting special assessments or in the discretion of the council, a portion of such cost and expenses may be paid by special assessments as aforesaid, and the balance from the general street fund.

Expense to be paid by special assessment.

Proceedings when council desire to vacate any street.

SEC. 3. When the council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or any part thereof, they shall by resolution so declare and in the same resolution shall appoint a time, not less than four weeks thereafter, when they will meet and hear objections thereto; notice of such meeting with a copy of such resolution shall be published for not less than four weeks before the time appointed for such meeting, in the official newspaper of the city. Objections to such proposed action of the council may be filed with the city clerk in writing and if any such shall be filed, the street, alley or public ground, or any part thereof shall not be vacated or discontinued, except by a vote of two-thirds of the aldermen elect.

Council may establish boundaries of streets and public grounds.

SEC. 4. The council may cause all public streets, alleys and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and [descriptions] description thereof to be recorded in the office of the city clerk, in a book of street records; and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended, or accepted and confirmed by the council, to be recorded in like manner; and such record shall be *prima facie* evidence of the existence of such streets, alleys, or public grounds, as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley or public ground shall also be recorded in said book of street records, and the record shall be *prima facie* evidence of all [the] matters therein set forth.

Resolution to be recorded.

Council to establish grade of streets.

SEC. 5. The council shall have authority to determine and establish the grades of all streets, avenues, alleys and public grounds within the city, and to require improvements and

buildings adjacent to or abutting upon such streets, alleys or grounds, to be made and constructed in conformity with such grade, and upon such line as shall be prescribed by the council; and the council may change or alter the grade of any street, alley or public ground, or of any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the city clerk.

SEC. 6. Whenever any street, alley or public highway shall have been graded, or pavement shall have been constructed in conformity to grades established by authority of the city and the expense thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley or public highway, unless such change be asked for by a majority of the owners of such lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by the city.

When grade or pavement not to be changed, except by a majority of owners.

SEC. 7. Whenever the grade of any street or sidewalk shall have been heretofore or shall hereafter be established and improvements shall thereafter be made by the owner or occupant of the adjacent property in conformity to such grade, such grade shall not be changed without compensation to the owner for all damages to such property resulting therefrom to be ascertained by a jury as provided in chapter twenty-five of this act, or said damages may be ascertained and agreed upon by and between such city and the owner or occupant of such premises. Whenever such damage shall be ascertained or agreed upon as heretofore provided, such damages, or such part thereof as the council shall deem equitable and just, shall be paid by the city, or the council may cause such damages, or such part thereof as may be just and proper to be assessed upon such real estate as may be benefited by reason of the change of such grade, and whenever the council shall determine to assess such damages, or any part thereof upon the property benefited, it shall determine and define a district in said city which in its judgment is benefited by the improvement out of which said damages arise, and shall cause the same to be assessed upon such district, which said assessment shall be upon the owners or occupants of the taxable real estate in said district, in proportion as nearly as may be to the advantage or benefit each lot, parcel, or subdivision is deemed to acquire by the improvement out of which such damages arise, but the property on account of which such damages were awarded shall not be included in said district. The assessment shall be made, and amount levied and collected in the same manner as other assessments on a district deemed to be bene-

When grade changed owner to be paid damages.

When damages agreed upon to be paid by city.

How assessment to be made.

fitted in the grading and improvement of streets, as provided for in this act; and all of the provisions of chapter twenty-four of this act, relative to special assessments and the collection thereof, shall apply thereto. Such damages when collected as aforesaid and when determined upon by said city, shall be paid to the person entitled thereto.

PAVING AND IMPROVEMENTS.

Each ward to be a street district.

Duty of owner of property when paving is to be done.

In case owner neglects or refuses.

How expenses of improving street, etc., to be done.

SEC. 8. The council shall have power to provide for the grading, paving, planking, graveling, curbing and otherwise improving, cleaning and repairing of the highways, streets, avenues, lanes, and alleys of the city; and for that purpose and for defraying the expenses thereof, may divide the city into street districts, and each of the several wards of the city shall constitute a separate street district unless otherwise provided for by the council. The term "Paving" shall be deemed to include the construction of cross walks, gutters, and curbing. All such improvements, when ordered to be made by the council, shall be done under the direction of said council. Whenever any paving has been ordered upon any street or public highway in the city, it shall be the duty of any person owning any lot or lots, lands or premises adjoining to, or abutting upon such street, before the same shall be paved, to put in and lay all such sewers, water and gas connection in front of their lands and premises and to carry the same from the pipe in such street to and beyond the curb line of such proposed pavement as the council shall determine to be necessary for the preservation of such proposed paving when the same shall be laid and put down, and such connection shall be laid, made, and put in, in the manner and at the time or times as shall be prescribed by the council. In case the owner of such lot or lots, lands or premises shall neglect or refuse to make, lay or put in such connection at the time or in the manner prescribed by the council, then the council shall cause the same to be made, laid or put in, and the respective owners of such lots, lands or premises shall be liable for the cost thereof, together with ten per cent in addition thereto as a penalty to be recovered by the city in the action of debt or *assumpsit*, or the cost together with the amount of such penalty for which such persons shall be respectively liable, the council shall cause to be reported to the comptroller to be levied and assessed by him as a special tax or assessment upon such lot or lots, lands or premises, in the manner as provided in section five, chapter twenty-three of this act, in cases of special assessment for rebuilding and keeping in repair sidewalks in said city.

SEC. 9. Such part of the expenses of improving any street, lane or alley, by grading, paving, planking, graveling, curbing, or otherwise, and of repairing the same as the council shall determine, may be paid from the general street fund or from

the street district fund of the proper street district, or in part from each; or the whole, or such part of the expense of such improvement as the council shall determine may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon that part of the street or alley so improved or proposed so to be; or constituted of lands fronting upon such improvement and such other lands as in the opinion of the council may be benefited by the improvement.

SEC. 10. When expenses for any such improvement or repairs shall be assessed in a special assessment district, and there shall be lands belonging to the city, school buildings, or other public buildings, or public grounds not taxable, fronting upon such improvement such part of the expense of such improvement as in the opinion of the council would be justly apportionable to such public grounds, buildings, and city property, and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general street fund or from the proper street district fund, or partly from each, as the council shall determine to be just, and the balance of such expenses shall be assessed upon the taxable lots and premises included in the special assessment district in proportion to their number of feet frontage upon such improvement; or if the special assessment district shall include other lands not fronting upon the improvement, then upon all the lands included in such special assessment district, in proportion to the estimated benefits resulting thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessments upon other lots, the council or comptroller may assess such lot for such number of feet frontage as in their opinion will be just.

When expenses assessed by special assessment.

When assessment made in proportion to frontage.

STREET REGULATIONS.

SEC. 11. The council shall have power to prohibit and prevent obstruction and incumbrances in, and incroachments upon the public highways, streets and alleys of the city, and to remove the same, and to punish those who shall obstruct, incumber, encroach, or maintain any encroachments upon or in any such highway, street, or alley; and to require all such persons to remove all such obstructions, incumbrances and encroachments.

Council to prevent incumbering streets.

SEC. 12. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets and avenues of the city, and for the protection thereof; and may light the streets and public places, and regulate the setting of lamps and lamp posts therein, and protect the same.

Regulate planting of trees.

Regulate removals of soil.

SEC. 13. The council may regulate the making of all openings in, and removals of, the soil of public streets, and for the laying or repair of sewers, drains, tunnels, gaspipes, water pipes or for any other purpose; and may prohibit and prevent all such openings and removals of the soil, except at such times and upon such terms and regulations as they may prescribe.

Travel in streets, stands.

SEC. 14. The council may regulate the use of public highways, streets, avenues, and alleys of the city subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or designate the places where loads of wood, coal, hay, and other articles may stand for sale; to regulate traffic and sales in the street and upon sidewalks; to regulate or prohibit the display, use or placing of signs, advertisements, and banners, awning and awning-posts and telegraph, telephone or light posts and wires in or over the streets; to prohibit immoderate riding and driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings, and gathering of crowds in the streets as may interfere with the lawful use thereof or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of beasts and fowls in the streets or elsewhere in the city and to impose penalties upon the owners or keepers thereof permitting the same; to cleanse and purify the streets; and to prohibit, prevent, remove and abate all nuisances therein and to require the authors and maintainers thereof to remove the same and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets, as may be necessary to secure good order and safety to persons and property in the lawful use thereof; and to promote the general fare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city as are conferred by law upon highway commissioners in townships.

Telegraph poles.

Sports.

Running at large of beasts.

Nuisances.

To enforce police regulations.

CHAPTER XXIII.

SIDEWALKS.

Council to have control of sidewalks.

SECTION 1. The city council shall have control of all sidewalks in the public streets and alleys of the city, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to provide for the building, maintaining and keeping in repair of sidewalks and cross walks in the public streets and alleys, and to charge the expense of constructing and maintaining such sidewalks upon the lots and premises adjacent to and abutting upon such walks.

SEC. 2. The council shall have authority to require the owners and occupants of lots and premises to build, rebuild and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials and manner of construction, and within such time as the council shall, by ordinance or resolution prescribe, the expense thereof to be paid by such owner or occupant; or the council may, by two-thirds vote of all the aldermen elect, pay such part of the expense of building or rebuilding such walk as they may deem proper from the general street fund or from the street district fund of any street district in which such walk may be located.

Owners of property to keep walks in repair.

SEC. 3. The council shall also have power, either by ordinance or resolution, to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalk in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth and other nuisances: *Provided*, That the council may, by two-thirds vote of all the aldermen elect, provide by ordinance for the rebuilding, maintaining and keeping in repair or all sidewalks within the city, and for the removing of all ice and snow therefrom, and for keeping the same free from all incumbrances, and pay the expense thereof from the general street fund or from the street district fund of any street district in which such sidewalk may be located.

Owners must remove snow and ice from sidewalks.

SEC. 4. The building, repairing and rebuilding of all sidewalks and crosswalks shall be done under the direction of the common council of the city, and it shall be the duty of such council to see that all ordinances and resolutions relating to the building, rebuilding and repairing of sidewalks and crosswalks, and the keeping of the same free from ice and snow, and from all obstruction, encroachments, incumbrances, filth and other nuisances are strictly enforced.

Building of sidewalks to be done under the direction of council.

SEC. 5. If the owner or occupant of any lot or premises shall fail to build, rebuild or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep same in repair, or to remove the snow, ice and filth therefrom, or to remove and keep the same from obstruction, encroachments, incumbrances or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks within such time and in such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be built, rebuilt or repaired, and the expense or such part thereof as the council shall have determined shall be charged to such owner or occupant, and the council may cause the amount of such expense incurred thereby, for which such owner or occupant shall have become liable, together with the penalty of ten per cent in addition thereto, to be reported to the comptroller, to be levied

If owner neglect or refuse to build sidewalk.

Tax to be a
lien.

by him as a special tax or assessment upon the lot or premises adjacent or abutting upon such sidewalk, and such tax when confirmed shall be a lien upon such lot or premises the same as other special assessment, and the council shall order the comptroller of the city to spread said amount, together with such penalty upon his roll, as a special assessment upon such lot or premises, and the same shall be collected in the same manner as other city taxes; or the city may collect such amount together with the penalty aforesaid from the owner or occupant of such premises in an action of *assumpsit*, together with the costs of the suit.

Council to regulate placing of signs.

SEC. 6. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts, and of other things upon or over sidewalks, and to regulate and prohibit the construction and use of openings in the sidewalk and of vaults, structures and excavations under the same; and to prohibit and prevent obstructions, incumbrances or other nuisances upon the walk.

CHAPTER XXIV.

COSTS OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

Costs of
improvements.

SECTION 1. The cost and expense of the following improvements, including the necessary lands therefor, viz.: For city hall and other public buildings and offices for the use of the city officers, engine houses and structures for the fire department, for water works, for lighting purposes, hospitals, quarantine grounds or pest houses, market houses and spaces, cemeteries and parks, watch houses, city prisons, police stations, and work houses, and public wharves and landings upon navigable waters, levees and embankments, shall be paid from the proper general funds of the city. When by the provisions of this act the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to or otherwise benefited by the improvement, such assessment may be made as in this chapter provided.

To be paid from
general fund.

Who to make
assessments.

SEC. 2. All assessments authorized by this act, included in this chapter (24) shall be made by the comptroller of the city.

When expense
paid by special
assessment.

SEC. 3. When the council shall determine to make any public improvement or repairs, and defray the whole or any part of the cost and expense thereof by special assessment they shall so declare by resolution, stating the improvement, and what part or proportion of the expense thereof shall be paid by special assessment, and what part, if any, has been appropriated from the general fund of the city, or from the street district fund, and shall designate the district or lands and

premises upon which the special assessment shall be levied: *Provided*, That when such special assessment is for the grading, paving, planking, graveling, curbing, or otherwise improving, cleaning and repairing any of the highways, streets, avenues, lanes and alleys of the city, the council shall cause the expense of such public improvement to be levied in such assessment as follows: One-half ($\frac{1}{2}$) of such expense to be charged to and against the property fronting and abutting such improvement; the terms "fronting and abutting" as used in this act shall be construed to mean that part of the lot or parcel of land which is directly adjacent to that part of the street to be improved, and for the purpose of such special assessment the comptroller shall consider such "fronting and abutting" to extend from the street improved to the center of the block in which such lot or parcel of land is located, and levy a tax proportionately on each lot or lots thus included and against the respective owners thereof, proportionately to the position each has in said block, one-fourth of such expense to be charged to and against the street district fund, and the remaining one-fourth of such expense shall be paid by the city, out of the genral street fund.

Proviso.

Division of expense.

SEC. 4. Before ordering any public improvements or repairs, any part of the expense of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made, and also plats and diagrams when practicable, of the work and of the locality to be improved and deposit the same with the city clerk, for public examination; and they shall give notice thereof and of the proposed improvements or work, of the district to be assessed by publication once in each week for two weeks, at least, in the official newspaper of the city and of the same when the council will meet and consider any objections thereto. Unless a majority of the persons to be assessed shall petition therefor, no such improvement or work shall be ordered except by the concurrence of two-thirds of the aldermen elect.

Council to make estimates, plats.

To give notice.

When improvements to be made.

SEC. 5. The cost and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments and costs of construction.

Special assessment, what to include.

SEC. 6. Special assessment to defray the estimated cost of any improvement shall be levied before making the improvement.

When levied.

SEC. 7. When any special assessment is to be made *pro rata* upon the lots and premises in any special district according to the frontage or benefits, the council shall, by resolution, direct the same to be made by the comptroller; and shall state therein the amount to be assessed, and whether according to frontage or benefits; and describe or designate the lots and premises or locality constituting the district to be assessed.

When is to be made pro rata.

SEC. 8. Upon receiving such order and directions, the comptroller shall make out an assessment roll, entering and

When comptroller to make roll.

describing therein all the lots, premises and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act, applicable to the assessment, and if the several descriptions thus to be assessed in any special assessment district shall extend into more than one ward of the city, the comptroller shall enter the several descriptions situated in any one ward by themselves, separate from those of the others.

When in more than one ward. In all cases where the ownership of any description is unknown to the comptroller, he shall, in lieu of the name of the owner, insert the name "Unknown;" and if by mistake or otherwise any person shall be improperly designated as the owner of any lot, parcel of land or premises, or if the same shall be assessed without the name of the owner, or in the name of a person other than the owner, such assessment shall not, for any such cause, be vitiated, but shall, in all respects, be as valid upon and against such lots, parcel of land or premises as though assessed in the name of the proper owner, and, when the assessment roll shall have been confirmed, be a lien on such lot, parcel of land or premises, and collected as in other cases.

When owner is unknown.

In case of error.

To be a lien on property.

When assessed according to frontage.

When according to benefits.

To report to council.

Form of certificate.

SEC. 9. If the assessment is required to be according to frontage, the comptroller shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, he shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefits resulting to such lot from the improvement. When the comptroller shall have completed the assessment he shall report the same to the council; such report, to be signed by the comptroller, may be in the form of a certificate endorsed on the assessment roll as follows:

STATE OF MICHIGAN, }
City of West Bay City. } ss.

To the Council of the City of West Bay City:

I hereby certify and report, that the foregoing is the special assessment roll, and the assessment made by me pursuant to a resolution of the council of said city, adopted, for the purpose of paying that part of the cost which the council decided should be paid and borne by special assessment for the; that in making such assessment I have, as near as may be, and according to my best

judgment conformed in all things to the direction contained in the resolution of the council hereinbefore referred to, and the charter of the city relating to such assessment.

Dated

.....,

Comptroller.

SEC. 10. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land or premises which, by the provisions of this act, the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land in a special assessment district, on account of the labor or services for which expense was incurred verified by the officer or person performing the labor or services or causing the same to be done, with the description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person, if known, chargeable therewith, shall be reported to the council in such manner as they shall prescribe. The provisions of the preceding section of this chapter with reference to special assessments generally, and the proceedings necessary to be had before making the improvement shall not apply to assessments to cover the expense incurred in respect to that class of improvements contemplated in this section.

When expense incurred not of class to be made *pro rata*.

SEC. 11. The council shall determine what amount or part of every such expense shall be charged and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively, to be reported by the city clerk to the comptroller for assessment.

Clerk to report amounts and descriptions to controller.

SEC. 12. Upon receiving the report mentioned in the preceding section, the comptroller shall make a special assessment roll and levy as a special assessment therein upon each lot or parcel of land so reported to him, and against the persons chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots of premises respectively, and when completed he shall report the assessment to the council; and all the several assessments in each ward shall be kept separate, the same as is required in section eight of this chapter.

When comptroller to make special roll.

SEC. 13. When any special assessment shall be reported by the comptroller to the council as in this chapter directed the same shall be filed in the office of the city clerk and numbered consecutively. Before adopting such assessment, the council shall cause notice to be published once each week for two

Ward assessment to be kept separate.

Assessment to be filed and numbered.

Notice before adopting.

May file
objections.

weeks, at least, in the official newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the council and comptroller will meet to review said assessment. Any person objecting to the assessment may file his objections thereto in writing with the city clerk. The notice provided for in this section may be addressed to the persons whose names appear upon the special assessment roll and to all others interested therein, and may be in the following form.

Form of notice.

NOTICE OF SPECIAL ASSESSMENT.

To, and to all other persons interested, take notice: That the roll of the special assessment heretofore made by the comptroller for the purpose of defraying that part of the cost which the council decided should be paid and borne by special assessment for the now is on file in my office for public inspection. Notice is also hereby given, that the council and comptroller of the city of West Bay City will meet at the council room in said city on to review said assessment, at which time and place, opportunity will be given to all persons interested to be heard.

Dated,

.....,
City Clerk.

Who to review
assessment.

To correct roll.

Other powers.

Final and
conclusive.

To constitute
a lien.

May be
divided into
installments.

SEC. 14. At the time and place appointed for the purpose as aforesaid, the council and comptroller shall meet and there, or at some adjourned meeting, review the assessment; and shall hear any objections to said assessment which may be made by any person deeming himself aggrieved thereby, and the council may correct said roll as to any assessment, or description of premises appearing therein, any may confirm it as reported, or as corrected; or they may refer the assessment back to the comptroller for revision; or annul it and direct a new assessment; in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the city clerk shall make an endorsement upon the roll showing the date of confirmation.

SEC. 15. When any special assessment shall be confirmed by the council, it shall be final and conclusive.

SEC. 16. All special assessments shall, from the date of confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be charged against the person to whom assessed until paid.

SEC. 17. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year, at such times as the council shall determine with annual interest at a

rate not exceeding six per cent per annum, but the whole assessment after confirmation may be paid to the city treasurer at any time in full, with the proportionate interest thereon.

SEC. 18. All special assessments except such installments thereof as the council shall make payable at a future time as provided in the preceding section, shall be due and payable upon confirmation. When due and payable.

SEC. 19. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed. When special roll for each installment.

SEC. 20. Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments the council may require the comptroller to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment when confirmed shall be conclusive upon all the parties and all assessments thereafter made upon such lots or lands shall be according to such division. Without notice.

SEC. 21. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitations prescribed for such assessment make an additional *pro rata* assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid. In case of division of lots after assessment.

SEC. 22. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such assessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof, levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises and the reassessment shall to that extent be deemed satisfied. When illegal may cause new assessment.

SEC. 23. No judgment or decree, nor any act of the council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or, Proceedings, how conducted.

as by a regular mode of proceeding, might have been lawfully assessed thereon.

When clerk to report description, etc., to comptroller.

Comptroller to levy sums.

SEC. 24. Whenever any special assessment shall be confirmed and be payable, the council may direct the city clerk to report to the comptroller a description of such lots and premises as are contained in said roll, with the amount of the assessment levied upon each and the name of the owner or occupant against whom the assessment was made, and direct said comptroller to levy the several sums so assessed as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report, the comptroller shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith as a tax in the city tax roll or other general tax roll in which such premises are described next thereafter to be made in a column for special assessments and thereupon the amount so levied in said tax roll shall be collected and enforced with the other taxes in such tax roll, and in the same manner; and shall continue to be a lien upon the premises assessed, until paid, and when collected shall be paid into the county treasury.

When council may cause direct collection.

SEC. 25. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council, instead of requiring the assessment to be reported to the city comptroller as provided in the preceding section, may direct the assessment so made in the special roll to be collected directly therefrom; and thereupon the city comptroller, shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment within forty days from the date of the warrant then to levy and collect the same by distress and sale of the goods and chattels of such person; and return said roll and warrant, together with his doings thereon, within sixty days from the date of such warrant.

When may levy and collect.

Limit of time for return.

Duty of treasurer upon receipt of roll.

Refusal or neglect to pay.

May sell at auction. Notice of sale.

SEC. 26. Upon receiving said assessment roll and warrant, the city treasurer shall proceed to collect the amounts assessed therein, and for that purpose it shall be his duty, immediately upon receiving said roll, to give public notice of the receipt thereof by him, by publication for six successive days in the official newspaper of the city. If any person shall neglect or refuse to pay his assessment within forty days from the date of the warrant attached to such roll, the treasurer shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days notice of the time and place of such sale, by posting such notices in three of the most public places in the city or townships where

such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment and a percentage of five per centum upon the amount of assessment for the costs and expenses of said seizure and sale and the surplus if any, shall be paid to the person entitled thereto.

Surplus of to whom paid.

SEC. 27. The treasurer shall make return of said assessment roll and warrant to the city comptroller, according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

Return of roll by treasurer.

SEC. 28. Said warrant may be renewed from time to time by the comptroller if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the city treasurer shall perform the same duties and make the like return as above provided. In case any assessment shall be finally returned by the city treasurer unpaid as aforesaid, the same may be certified to the comptroller in the manner provided in section twenty-four of this chapter, and shall be reassessed with interest included at the rate of eight per cent per annum from the date of the confirmation of the assessment until the last day for the payment of taxes, in the next city or other general tax roll, and be collected and paid in all respects as provided in section twenty-four aforesaid.

Warrant may be renewed.

SEC. 29. At any time after a special assessment has become payable the same may be collected by suit, in the name of the city, against the person assessed in an action of *assumpsit* in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

Rate per cent on returned assessment.

May be collected by suit.

Evidence of regularity.

SEC. 30. If in any such action it shall appear by reason of any irregularity or informalities, the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant or the lot or premises in question render judgment for the amount properly chargeable against such defendant, or upon such lots or premises.

Proceedings in case of irregularity.

CHAPTER XXV.

APPROPRIATION OF PRIVATE PROPERTY.

Purposes for which private property may be taken.

SECTION 1. Private property may be appropriated for public use in any city for the purpose of opening, widening, altering and extending streets, alleys and avenues; for the construction of bridges, for public buildings and for other public structures; and for public grounds, parks, market places and squares; for public wharves, docks, slips, basins and landings on the Saginaw River, and for the improvement of water courses; for sewers, drains and ditches, for public hospitals, pest-houses, quarantine grounds and public cemeteries, and for other lawful and necessary public uses.

Manner in which to take.

SEC. 2. If it shall become necessary to appropriate private property for the public uses or purposes specified in the preceding section the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the city either in the manner, and with like effect as provided by the general laws of this State relating to the taking of private property for public use in cities and villages, or by instituting and prosecuting the proceedings for that purpose as hereinafter set forth.

When and who to institute proceedings.

SEC. 3. Whenever the council shall have declared a public improvement to be necessary in the municipality and shall have declared that they deem it necessary to take private property, describing it, for such public improvement, designating it, and that the improvement is for the use or benefit of the public, they shall, by resolution, direct the city attorney to institute the necessary proceedings in behalf of the municipality, before such justice of the peace as they may designate to carry out the object of the resolution in regard to taking private property by the city for such public use.

To deliver copy of resolution to attorney.

Duty of attorney.

SEC. 4. The city clerk shall make and deliver to such attorney, as soon as may be, a copy of such resolution certified under seal and it shall be the duty of such attorney to prepare and file with such justice in the name of the city, a petition signed by him in his official character and duly verified by him; to which petition a certified copy of the resolution of the council shall be annexed, which certified copy shall be *prima facie* evidence of the action taken by the council, and of the passage of the said resolution. The petition shall state among other things, that it is made and filed as commencement of judicial proceedings by the municipality in pursuance of this act to require the right to take private property for the use of the public without the consent of the owners, for a public improvement, designating it, for a just compensation to be made. A description of the property to be taken shall be given and generally the nature and extent

Evidence.

Petition, what to state.

of the use thereof that will be required in making and maintaining the improvement shall be stated, and also, the names of the owners and others interested in the property so far as can be ascertained, including those in possession of the premises. The petition shall also state that the council has declared such public improvement to be necessary and that they deem it necessary to take the private property described in that behalf for such improvement for the use or benefit of the public. The petition shall ask that a jury be summoned and impaneled to ascertain and determine whether it is necessary to make such public improvement, whether it is necessary to take such private property as it is proposed to take for the use or benefit of the public, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or things and may pray for any other or further relief to which the municipality may be entitled within the objects of this chapter.

SEC. 5. Upon receiving such petition it shall be the duty of the said justice to issue a summons against the respondents named in such petition stating briefly the object of said petition, and commanding them, in the Name of the People of the State of Michigan, to appear before said justice at a time and place to be named in said summons not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.

Duty of justice upon receipt of petition.

SEC. 6. Said summons shall be served by the chief of police or any policeman or constable of the city at least five days before the return day thereof, upon all the respondents found within the county, by exhibiting the original and delivering a copy to each of them. If any respondent who is a resident of the county cannot be found, the summons shall be served by leaving a copy thereof at his or her usual or last place of abode, with some person of suitable age and discretion. If any minor or person of unsound mind is interested in the premises to be taken, service may be made on the guardian of such person if any, and if there is no guardian the justice may appoint some discreet and proper person to be guardian *ad litem* of such person in such proceedings, and such guardian shall have authority to represent such person in said proceedings. The proceedings to appoint such guardian shall be the same as in other cases provided by statute. If it shall appear on the return day of the summons that any respondent cannot be found within the county and has not been served in the manner provided, or is a non-resident and has not voluntarily appeared, the court may make an order requiring such respondent or respondents to appear and show cause why the prayer of the petition should not be granted on a day to be named in the order not less than thirty days from the date thereof and may require that a certified copy of such order be per-

Who to serve summons, when and how.

In case of minor.

In case respondent cannot be found or is a non-resident.

Service by publication.	sonally served on such respondent wherever found, if practicable, at least six days before the time named in the order for appearance, or the court may make such order for appearance and require as to any or all such respondents who shall not have been personally served and have not appeared, that service be made by publishing a certified copy of such order for three successive weeks at least once in each week, in the official newspaper of the city, the last publication to be at least six days before the day fixed in the order for appearance. Alias and pluries summons may be issued and the justice may adjourn the proceedings from time to time as there shall be occasion and as in other civil cases. Service of such order
Alias and pluries summons may be issued.	for appearance in either mode prescribed shall be sufficient notice of the proceedings to bind the respondents and the property represented by them. The return of the officer upon the summons and affidavit of the due service or the publication of the order for appearance, if any shall be filed with such justice before a jury shall be impaneled and be sufficient evidence of service on the respondents and of the manner of service.
What sufficient notice.	
Evidence of service.	
When jury to be impaneled.	SEC. 7. On the return day of the summons or some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the justice shall make an order that a jury be impaneled in the cause. Such jury shall be composed of twelve freeholders of the municipality, and shall be selected and impaneled as follows: The chief of police, any policeman or constable of said city shall, on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of said city, and the city attorney and the respondents collectively, shall each have the right to strike six names from the list of persons written down as aforesaid, and subject to objections for cause, the twelve persons whose names are left on the list shall compose the jury for the trial of the cause, and shall be summoned to attend at such time as the justice shall direct, by a venire issued by him, and to be served by one of the officers aforesaid. If the respondent neglect or refuse to strike six names from said list, it shall be done by the justice and in case any of the persons to be summoned cannot by him be found in the county, or being summoned do not attend, or shall be excused for cause, or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such officer, and the practice and proceedings under this chapter, except as herein otherwise provided, relative to impaneling, summoning and excusing jurors and talesmen, and imposing penalties or fines upon them for non-attendance, shall be the same as the practice and proceedings of justice courts relative to jurors in civil cases in such courts, except that peremptory challenges shall not be allowed.
Who to compose jury.	
How selected.	
Right to reject.	
When justice to strike names from list.	
Talesmen may be drawn.	
Proceedings how governed.	

SEC. 8. The jurors so impaneled shall be sworn or shall affirm in substance as follows: "You do solemnly swear (or affirm) that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement, and for taking for the use or benefit of the public the private property which the petition describes and prays may be taken, and if you shall determine that it is necessary to make such improvement and to take said property, that then you ascertain, determine and award the just compensation to be made therefor, and faithfully and impartially to discharge all other duties as devolve upon you in this case, and unless discharged by the court a true verdict give, according to law and the evidence so help you God (or under the pain and penalty of perjury)." The jury shall hear the proofs and allegations of the parties, and if so ordered by the justice shall go to the place of the intended improvement, in charge of an officer, and upon or as near as practicable to any property proposed to be taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the justice and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case but the same shall be in writing and be signed by the foreman or by all the jurors.

Oath of jurors.

To hear evidence.

Justice to instruct.

Verdict to be signed.

SEC. 9. The jury shall determine in their verdict the necessity for the proposed improvement and for taking such private property for the use or benefit to the public for the proposed improvement, and in case they find such necessity exists they shall separately award to the owners of such property and others interested therein such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

What jury to determine.

Compensation for property.

When to apportion compensation.

SEC. 10. To assist the jury in arriving at their verdict the justice may allow the jury, when they retire, to take with them the petition filed in the case and a map showing the location of the proposed improvement and of each and all the parcels of property to be taken, and may also submit to them a blank verdict, which may be as follows:

May allow jury petition and map.

PART I.

We find that it is —necessary to take the private property described in the petition in this cause, for the use and benefit of the public, for the proposed public improvement.

Form of verdict.

PART II.

The just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Description of each of the several parcels of private property to be taken.	Owners, occupants and others interested in each parcel.	Compensation.	To whom payable.
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----

Descriptions, etc., may be inserted.

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the justice, before it is submitted to the jury, or it may be done by the jury.

Amendments may be allowed.

SEC. 11. Amendments either in form or substance may be allowed in any paper, petition, process, record or proceeding, or in the description proposed to be taken or the name of any person, whether contained in a resolution passed by the council or otherwise whenever the amendment will not interfere with the substantial rights of the parties. Any such amendment may be made after as well as before judgment confirming the verdict of the jury.

Report of jury to be entered upon docket.

SEC. 12. Upon filing the report and award made by any jury, with [said] such justice he shall enter it upon the docket of his proceeding, and a copy thereof may be taken by the city attorney for the use of the council; and at any time thereafter and within forty days after the impaneling of the jury making the report the justice, upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and award shall be at an end, and a new jury and new proceedings may be had as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom, within the time hereinafter provided.

When to enter judgment of confirmation.

New jury.

Final and conclusive.

Proceedings when unable to agree upon a verdict.

SEC. 13. If such jury should be unable to agree upon a verdict, or for any cause should fail to render a verdict said justice shall on the application of the city attorney designate some day and hour when another jury may be empaneled; and such other jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualification, be sworn, and when sworn, have the same powers and duties as the first jury. The same proceedings after they are sworn, shall be had by them, and by and before said jus-

tice, or some other justice in said city, as provided for above after the first jury is sworn.

SEC. 14. If any juror after being sworn, and before the hearing shall have been commenced, shall die or from sickness or any other cause, be unable to discharge his duties as a juror said justice may draw another person to serve in his place, who shall be sworn, and shall have the like qualifications, powers and duties as those already sworn.

In case of sickness or death of juror.

SEC. 15. Any party aggrieved by the judgment of confirmation hereinbefore mentioned may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the justice a claim of appeal, in writing, under oath, in which he shall set forth a description of the land in which he claims an interest and a statement that he considers himself aggrieved by the proceedings and judgment of which he complains, and at the same time filing with the justice a bond to the city, in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him in the circuit court and paying to the justice the sum of three dollars for making his return to the appeal.

When aggrieved parties may appeal.

Bond to be filed, amount.

Who to approve sureties.

SEC. 16. Within ten days after taking such appeal said justice shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal and file the same with the clerk of such circuit court.

When justice to make return to appeal.

To be filed with clerk of circuit court.

SEC. 17. Upon filing the return of the justice as mentioned in the preceding section, the circuit court shall have jurisdiction of the case. The parties may proceed to trial by jury, without reference to any term of court, upon all questions involved in such proceedings and the verdict or finding of the jury shall be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal.

Who to have jurisdiction of case.

Appeal of one not to affect others.

SEC. 18. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court said court shall confirm the proceedings and rights of the city to take and appropriate the lands of the appellant for the [purpose] purposes mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least fifty dollars more than the amount awarded to him before the justice, he shall pay costs to the city; otherwise the court shall award such costs to him or the city as shall be just.

When judgment rendered, or appeal dismissed.

When appellant to pay costs.

SEC. 19. It shall be the duty of the city clerk to procure copies of any judgment of confirmation of the circuit court or of the justice of the peace after the same has become final, as well as of the report and findings of the jury, and the

City clerk to procure copies of judgment.

Where to be recorded.	same shall be recorded in a book of records to be kept by him, and the docket of such justice, or the judgment of such court, as well as the book of records of such proceedings kept by said clerk or certified copies thereof shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired and to confirm the same.
Presumptive evidence.	
Proceedings upon confirmation of verdict.	SEC. 20. When the verdict of the jury shall have been finally confirmed by the justice and the time in which to take an appeal has expired, or, if an appeal is taken and the judgment has been confirmed, thereupon the proper and necessary proceedings, in due course, shall be taken for the collection of the sum or sums awarded by the jury. If the council believe that a portion of the city in the vicinity of the proposed improvement, will be benefited by such improvement, they may, by an entry in their minutes, determine that the whole or any just proportion of the compensation awarded by the jury shall be assessed upon the owners or occupants of real estate deemed to be thus benefited and thereupon they shall by resolution fix and determine the district or portion of the city benefited and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of such taxable real estate, in proportion as nearly as may be, to the advantage which such lot, parcel, or subdivision is deemed to acquire by the improvement. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings as near as may be as is provided in this act for assessing, levying, and collecting the expense of a public improvement when a street is graded. The assessment roll containing said assessment when ratified and confirmed by the council, shall be final and conclusive and <i>prima facie</i> evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same is made until payment thereof. Whatever amount or portion of such awarded compensation shall not be raised in the manner herein provided shall be assessed, levied, and collected upon the taxable real estate of the municipality the same as other general taxes are assessed and collected therein. At any sale which takes place of the assessed premises or any portion thereof delinquent for the non-payment of the amount assessed and levied thereon the city may become the purchaser.
When portion of city to be benefited.	
Benefits how assessed.	
How levied and collected.	
Evidence of regularity.	
Lien upon premises.	
When award to be raised by tax upon real estate of city.	
City may become purchaser.	
When council to provide compensation to owner.	SEC. 21. Within one year from the confirmation of the verdict of the jury or after the judgment or confirmation shall on appeal be confirmed, the council shall set apart and cause to be provided in the treasury, unless already provided, the amount required to make compensation to the owners and persons interested for the private property taken as awarded

by the jury, and shall, in the resolution setting apart and providing said sum if not already provided direct the city to pay the persons respectively entitled to the money so set apart and provided, to each his or her portion, as ascertained and awarded by said verdict. And it shall be the duty of the treasurer to securely hold such money in the treasury for the purpose of paying for the property taken, and pay the same to the persons entitled thereto according to the verdict of the jury, on demand, and not pay out the money for any other purpose whatever. The council may provide the necessary amount by borrowing from any other money or fund in the treasury and repay the same from money raised to pay the compensation awarded by the jury when collected, or otherwise, as they may provide. Whenever the necessary sum is actually in the treasury for such purpose, the treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded by the jury is actually in the treasury for the payment of the private property taken in the case, giving the title of the case; he shall cause one of the certificates to be filed in the office of the justice before whom such proceedings were had, or his successor, or in case an appeal has been had then in the office of the clerk of the court in which the proceedings were had, and the other to be filed with the city clerk, which certificate shall be *prima facie* evidence of the matters therein stated. Whenever the amount of such compensation is in the treasury and thus secured to be paid the council may enter upon and take possession of and use such private property for the purpose for which it was taken, and may remove all buildings, fences and other obstructions therefrom. In case of refusal or resistance on the part of any one to the council, or their agents or servants entering upon and taking possession of such private property for the use and purpose for which it was taken, at any time after the amount of the compensation aforesaid is actually in the treasury, ready to be paid to those entitled thereto, the council, by the city attorney, may apply to the court and shall be entitled, on making a sufficient showing, to a writ of assistance to put them into possession of the property.

Duty of treasurer.

Council may borrow money from other fund.

When necessary sums in treasury.

To file certificates.

Evidence.
When council may take possession of private property.

In case of resistance.

SEC. 22. Officers, jurors, and witnesses in any proceedings under this chapter shall be entitled to receive the same fees and compensation as are provided by law for similar services in an ordinary action at law in the justices' courts of this State, and in cases of appeals the same fees and compensation as are provided by law for similar services in circuit courts.

Compensation of officers.

SEC. 23. It shall be *prima facie* evidence as to who are owners of and persons interested in any property proposed to be taken in the proceedings instituted under this act, if the register or deputy register of deeds of the county shall testify in open court that he has examined the records and

Evidence as to owners.

files in his office, and states who such records show are the owners of, and persons interested in such property, and the nature and extent of such ownership and interest; and an abstract of the title of such property, or of any parcel or parcels thereof, certified by the register or deputy register of deeds, shall also be *prima facie* evidence as to ownership and persons having an interest in any such property, and the extent and nature of such interest.

Disposition of
buildings, etc.,
on property
taken.

SEC. 24. In case there is on the private property taken a building or other structure, the same shall be sold by or under the direction of the council; the amount produced by the sale shall belong and be paid to the fund for paying the compensation awarded for the property taken, and the council shall cause such amount to be credited and applied in reduction *pro rata* of the assessment and apportionment made to pay for the property taken.

May obtain by
purchase.

SEC. 25. Nothing in this chapter contained shall prevent the city from obtaining private property for any of the public uses herein specified by negotiation and purchase.

CHAPTER XXVI.

WATER WORKS.

Authority of
council relative
to water-works.

SECTION 1. The council shall have authority to purchase or construct new, and to maintain and extend existing water works for the introduction of water into the city, and supplying the same and the inhabitants thereof with pure and wholesome water for the extinguishment of fires, the ordinary and extraordinary uses of the inhabitants thereof, and for such other purposes as the council may prescribe.

Idem.

SEC. 2. The council may acquire, purchase, erect and maintain such reservoirs, canals, aqueducts, sluices, buildings, engines, water wheels, pumps, hydraulic machines, distributing pipes and other apparatus, appurtenances and machinery, and may acquire, purchase, appropriate and own such grounds, real estate, rights and privileges as may be necessary and proper for the securing, construction and maintenance of such water works.

May borrow
money not
to exceed.

SEC. 3. It shall be lawful for the city to borrow any sum of money not exceeding three per cent of the assessed value of the property in the city as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing, constructing or extending water works, as provided in the two preceding sections. The council shall have [the] power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value:

To fix time and
place of pay-
ment.

Bonds.

Rate of
interest.

Provided, That the total amount expended for constructing, purchasing, or extending such water works shall not exceed the amount of the estimate of expense provided for in section four of this chapter. Proviso.

SEC. 4. Before any money shall be borrowed, appropriated, raised or expended for the purchase, construction or extending of water works in the city the council shall cause to be made an estimate of the expense thereof and the question of raising the amount required for such purpose shall be submitted to the electors of the city at its next annual election or at a special election called for that purpose by the council as provided in this act and shall be determined as a majority of the electors voting at such election by ballot shall decide: *Provided, however*, That after water works have been purchased or constructed by the city the council may then raise and expend, in making repairs or alterations, or in extending such works, such sum as they may [see] seem fit, without submitting the question to the electors of the city, but the sum to be raised for such purpose shall be included in and shall not increase the total amount which the council may raise for such water works, which all together shall not exceed one per cent upon the assessed valuation of the property in the city as shown by the last preceding assessment roll. Estimate of expense to be made.

SEC. 5. The connecting or supplying pipes leading from buildings [or] to yards to the distributing pipes, shall be inserted and kept in repair at the expense of the owner or occupant of the building or yard, and shall not be inserted or connected with the main pipe until a permit thereof shall be obtained from the council. All such connecting or supply pipes shall be constructed and connected in the manner prescribed by said council. To be submitted to electors.

SEC. 6. The council may enact such ordinances, and adopt such resolution, as may be necessary for the care, protection, preservation, and control of the water works, and all the fixtures, appurtenances, apparatus, buildings, and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter, and the powers herein conferred in respect to the construction, management and control of such water works. Proviso.

SEC. 7. When the council shall deem it for the public interest, such water works may be purchased, constructed, maintained or extended beyond the corporate limits of the city; and in such case the council shall have authority to enforce beyond the corporate limits of the city; within the county of Bay and over buildings, machinery and other property belonging to and connected with such water works, in the same manner and to the same extent as if they, or it, were within the city all such ordinance and police regulations Who to keep certain pipes in repair.

Permit from council.

Powers, relative to ordinances.

When may be extended beyond city limits.

Authority of council beyond corporate limits.

Total amount raised not to exceed.

as may be necessary for the care, protection, preservation, management and control thereof.

Right to lay pipes.

SEC. 8. For the purpose of operating, constructing, maintaining or extending such water works, the city shall have the right to lay conduit, pipes, aqueducts, or necessary works, over or under any water course, or under and along any street, alley, lane, turnpike, road, railroad, or highway within the city but not in such manner as to obstruct the same, or impede or prevent travel thereon; and the city authorities may at all times enter upon and dig up such street, alley, road or highway to lay pipes therein, or to construct works beneath the surface thereof, but they shall cause the surface of [such] street, alley, road or highway to be relaid and restored to its usual state, and any damage done thereto to be repaid, and such right shall be continuous for the purpose of repairing and relaying water pipes upon like conditions.

Excavations to be restored to usual state.

May take private property.

SEC. 9. If it shall be necessary, in the judgment of the council, to appropriate private property either within or without the city for the construction, extension, maintenance or operation of water works, the right to occupy therein and thereto may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public use.

May contract for water supply.

SEC. 10. The council may contract from year to year, or for a period of time not exceeding ten years, with any person or persons, or with any duly authorized corporation, for the supplying of the city and the inhabitants thereof, with water, upon such terms and conditions as may be agreed and may grant to such person, persons, or corporation the right to the use of the streets, alleys, wharves, and public grounds of the city as shall be necessary to enable such person, persons, or corporations to construct and operate proper works for the supply of water for the use of the city, and the inhabitants thereof upon such terms and conditions as shall be specified in such contract.

To grant use of streets, alleys.

Water rates.

SEC. 11. The council shall from time to time cause to be assessed the water rates, to be paid by the owners or occupants of each house, building or premises having or using water, upon such basis as they shall deem equitable, and such water rates shall become a continued lien, until paid, upon such house or building, and upon the lot or premises upon which the same may be situated, provided that when the water is furnished a tenant the council shall cause notice to be served on the owner of such lot or building within thirty days after default on the part of the tenant to pay such water rate, or no such lien shall attach. The council shall have full power to make and enforce the necessary by-laws, rules and regulations for the collection of water rates either by appointment of collectors to demand the same, or by a

To be a lien until paid.

Notice to be served on owner.

To make and enforce rules.

suit at law before any court of competent jurisdiction. The council shall cause to be kept an accurate record of all their proceedings, together with a list of all assessments for water rates, which shall be a public record, and subject to inspection at all times by all persons interested.

Assessments for water rates to be a public record.

SEC. 12. Whenever the expense of constructing, extending, or repairing any public work shall not exceed the sum of three hundred dollars the work may be done by the council in such manner as they shall deem proper; but whenever such expense shall exceed the sum of three hundred dollars the council shall advertise for sealed proposals, and shall give such notice as it may direct, and shall let the contract to the lowest responsible bidder who shall be deemed competent to do the work and give adequate security for the performance thereof, which contract and security shall be approved by the council. The council shall have the right to reject any and all bids, and to readvertise, or they may, if they shall determine by a vote of a majority of all the aldermen elect, that the bid of the lowest responsible bidder is unreasonably high, direct and cause such improvement to be made and shall purchase the necessary materials and cause to be done everything necessary in making and completing such improvement.

When public work may be done by council.

When to be let to the lowest bidder.

Contractor to give bond.

May reject any and all bids.

When lowest bid unreasonably high.

SEC. 13. If any person shall wilfully do or cause to be done any act whereby any work, materials or property whatsoever, erected or used in the city, or belonging to the city, for the purpose of procuring or keeping the supply of water, shall in any manner be injured, or if any person shall wilfully pollute the water supply of the city, or if any person shall perforate or bore, or cause to be perforated or bored, without the consent of the council, any distributing pipe or main lateral or log, belonging to the water works of the city or make, or cause to be made any connection or communication whatever with the said pipes or logs, or break or in any way injure the same, such person or persons shall be deemed guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding three months or by both such fine or imprisonment, in the discretion of the court.

What deemed a misdemeanor.

Penalty.

CHAPTER XXVII.

LIGHTING.

SECTION 1. It shall be lawful for the city to acquire or purchase or to construct, operate and maintain either independently or in connection with the water works of the city, either within or without the city, works for the purpose of

May acquire or purchase lighting plant.

supplying the city and the inhabitants or either, with gas, electric or other lights, at such times and on such terms and conditions as hereinafter provided.

Vote of
aldermen.

SEC. 2. Whenever two-thirds of the aldermen elect shall, by resolution declare that it is expedient for the city to acquire by purchase, or to construct, as the case may be, works for the purpose of supplying the city and inhabitants thereof, or either, with gas, electric or other lights, then the council shall have power to take such action as shall be deemed expedient to accomplish such purpose.

May borrow
money, limit
of amount.

SEC. 3. It shall be lawful for the city to borrow any sum of money not exceeding three per cent of the assessed value of the property in said city as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing or constructing and maintaining such lighting works as provided in the preceding sections of this chapter. The council shall have power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value.

May issue
bonds, rate of
interest.

Limit of
amount council
may raise for
repairs.

SEC. 4. After lighting works have been purchased or constructed as aforesaid, by the city, the council may then raise and expend in making repairs or alterations, or in extending such works, such sum as it may deem advisable, but the sum to be raised in any one year, shall be included in, and shall not increase the total amount which by the provisions of section five of chapter thirty (30) of this act, the council is authorized to raise.

When to fix
rates.

SEC. 5. The council shall have power to fix such just and equitable rates as may be deemed advisable for supplying the inhabitants of the city with lights, and shall annually on the first Monday in June fix such rates for the year next ensuing.

May take pri-
vate property.

SEC. 6. If it shall be necessary in the judgment of the council to appropriate private property for the construction and maintenance, or for the due operation of lighting works, the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public use.

May contract
for lighting
service.

SEC. 7. The council may contract from year to year or for a period of time not exceeding ten years, with any person or persons, or with any duly authorized corporation, for supplying the city or the inhabitants thereof or both, with gas, electric or other lights upon such terms and conditions as may be agreed; and may grant to such person, persons or corporations the right to the use of streets, alleys, wharves and public grounds of the city as shall be necessary to enable

Right to use
street, alleys.

such person, persons or corporations to construct and operate proper works for the supplying of such lights upon such terms and conditions as shall be specified in such contract.

SEC. 8. The council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation and control of the lighting works and all fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto and to carry into effect the provisions of this chapter and the power herein conferred in respect to the erection, purchase, management and control of such works. Powers relative to ordinances.

SEC. 9. Whenever the council shall deem it necessary to carry into effect any of the provisions of this act, they may by ordinance establish a board of light commissioners, with such powers and duties as are provided in such ordinance. Such board shall receive no compensation and may be abolished whenever the council shall deem it expedient. Board of light commissioners. Compensation.

CHAPTER XXVIII.

FIRE DEPARTMENT.

SECTION 1. The council of said city shall have power to enact such ordinances, and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employes, firemen and officers thereof; and for the care and management of engines, apparatus, property, and buildings pertaining to the department and prescribing the powers and duties of such employes, firemen and officers. Powers of council relative to fire protection.

SEC. 2. The council may purchase and provide suitable fire engines and such apparatus, instruments and means for the use of the department as may be deemed necessary for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds, and other suitable places in the city and make all necessary provisions for a convenient supply of water for the use of the department. May provide apparatus.

SEC. 3. The council may also provide, or erect, all necessary and suitable buildings for keeping the engines, carriages, teams, and fire apparatus of the department. May erect buildings.

SEC. 4. The engineer of the fire department shall be the chief of the department and subject to the direction of the mayor, shall have the supervision and direction of the department, Who to be chief.

May appoint assistant engineers.	and the care and management of the fire engines, apparatus and property, subject to such rules and regulations as the council may prescribe. And the council may appoint such assistant engineers and other officers of the department as may be necessary, and all officers of the fire department so appointed shall be retained as such during the good behavior, competency, and efficiency in the performance of their respective duties; the persons so appointed shall constitute the Fire Department of the city. The council shall annually appoint
Who to constitute fire department.	four of their own number members of the fire department
Fire committee who to be.	committee, and the aldermen thus appointed, together with the mayor, shall constitute and be known as the "Fire Department Committee" of said city; the mayor shall be chairman of such committee, and the city clerk, clerk thereof; such
Powers of fire committee.	committee shall have power to try and determine all complaints against any member of the fire department and upon conviction of any member, by a vote of a majority of the members of such committee, of incompetency, misbehavior, insubordination, neglect of duty, or violation of any of the ordinances of said city, or any of the rules or regulations made for the government of the fire department, such member shall be suspended from duty and shall be reported by such committee to the council together with a report of his conviction, at the next regular meeting of the council after such conviction, and if by a majority vote of the members elect of said council, such conviction be confirmed, such person shall be removed from office, and the vacancy thus made may be filled by the council forthwith; in case such conviction is not confirmed as aforesaid such person shall be re-instated.
Mayor or chief may suspend.	The mayor or chief of the fire department may suspend any member of the fire department during the pendency of an investigation by such committee of any charge against such member. The council shall have the power at any time to diminish the number of persons employed by the city in the fire department by dismissing and removing any of its members, but no member of the fire department shall be removed
Vote of council required to remove member.	except as hereinbefore provided unless two-thirds of the members of the council shall first vote in favor of such decrease in the number of members of such department. The fire
Fire department committee may subpoena witnesses.	department committee, when convened for the purpose mentioned in the preceding section, shall be vested with full power to subpoena witnesses, issue warrants to compel the attendance of witnesses, administer oaths, take and record testimony, and do such other acts as may be lawfully done by any court, for the purposes mentioned in section four of this chapter and a majority of such committee shall constitute a
Quorum.	quorum for the transaction of business.
Who may command assistance at fires.	SEC. 5. The chief of the fire department or other officer acting as such, may command any person present at a fire to aid in the extinguishment thereof and to assist in the pro-

tection of property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order of any such officer he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for a period not exceeding ninety days or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment, in the discretion of the court.

Penalty for refusal to assist.

SEC. 6. The council may provide, by ordinance, for the appointment of such number of fire wardens as may be deemed necessary; and for the examination by them, from time to time, of the stoves, furnaces and heating apparatus and devices in all the dwellings, buildings, and structures within the city; and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition.

Fire wardens, appointment and duties.

SEC. 7. The council may prescribe by ordinance from time to time, fire limits or districts within the city, within which wooden buildings and structures shall not be erected, placed, or enlarged; and to direct the manner of constructing buildings within such fire districts with respect to protection against fire and the material of which the outer walls and roofs shall be constructed.

Fire limits.

SEC. 8. The council may also prohibit within such places or fire districts as they shall deem expedient, the location of shops; the prosecution of any trade or business; the keeping of lumber yards; and the storing of lumber, wood, or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils, and other combustible and explosive substances and the use of lights in buildings; and, generally may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

Powers of council to prohibit location of certain shops.

SEC. 9. Every building or structure which may be erected, placed, enlarged, or kept, in violation of any ordinance or regulation made for the prevention of fires is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.

Buildings erected in violation of ordinance.

SEC. 10. The officers, firemen, and employes of the department shall receive such compensation as the council may prescribe; and during their term of service shall be exempt from serving on jury. The council may provide suitable compensation for an injury which any fireman may receive to his person or property in consequence of the performance of his duty at any fire.

Compensation of officers, firemen.

Exempt from jury service.

SEC. 11. The engineer in charge of the department at any fire, with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed when deemed necessary in order to arrest the progress of the fire.

When buildings may be pulled down.

Claim for damages.	Whenever any building is so pulled down or destroyed, any person having an interest in such building may present his claim for damages to the council of the city, and it shall thereupon be the duty of the council to pay such claimant such damages as may be just under all the circumstances, taking into consideration the fact whether or not such loss would probably have occurred to such building if it had not been pulled down or destroyed and whether the same was insured or not. If the council and such claimant shall not be able to agree upon the amount of damages to be paid such claimant, then the amount of such damages shall be ascertained by the appraisal of a jury, to be selected in the same manner as in cases of juries to appraise damages for taking private property for public use. Such jury may visit the premises and hear all the proofs in the case and shall allow such claimant such amount of damages as they may deem proper under all the circumstances as above stated. If such jury shall not be able to agree, a new jury shall be impaneled as above provided until a jury has been obtained that shall agree and the council shall pay such claimant the amount of damages fixed by such jury. There shall be no appeal from the verdict of such jury either by the city or any claimant.
When unable to agree upon amount of damages.	
To be appraised by jury.	
Duties of jury.	
Proceedings when jury unable to agree.	
No appeal from verdict.	
Duties of council relative to owners, etc., of boats, water-crafts.	SEC. 12. The council may, by ordinance, prescribe such regulations to be observed by owners, masters and employees, of steam boats and water crafts as may be necessary for the prevention of fires in the harbor and to prevent the communication of fire from such boats and crafts; and may prescribe in such ordinance the manner of collecting any penalties imposed thereby.

CHAPTER XXIX.

SUPPORT OF THE POOR.

Director of the poor appointment and duties.	SECTION 1. The council may appoint a director of the poor who shall hold his office for two years, and shall have charge of all indigent poor persons belonging to the city, and shall provide for their support and maintenance as the council may direct. He shall possess such power and authority as are conferred upon the directors of the poor and supervisors of townships by the laws of this State in relation to the care and support of the poor, as may be provided by the ordinances of the city. The director of the poor may, subject to the approval of the council, appoint a deputy who, in case of inability, disqualification, absence from the city of the director or of vacancy in his office, shall perform the duties of the director of the poor and shall at all times perform such duties as naturally pertain to such office, and as may be pre-
May appoint deputy.	

scribed by resolution of the council, or by ordinance of the city. Each of said officers shall have such compensation as the council may fix. All expenditures of money, and all accounts made by the director of the poor shall be duly certified under oath, to the city clerk and by said clerk to the comptroller, as often, and in such manner, as the council may require. Compensation.

CHAPTER XXX.

FINANCE AND TAXATION.

SECTION 1. The fiscal year of the city shall commence on the first day of March and end on the last day of February in each year. Fiscal year.

SEC. 2. The council of the city shall have authority within the limitations herein prescribed, to raise annually by taxation within the corporation, such sum of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers in this act granted. Annual taxation.

SEC. 3. The revenues raised by general taxation upon all the property in the city or by loan to be repaid by such tax, shall be divided into the following general funds: Amounts raised to be divided into general funds.

First, Contingent Fund, to defray the contingent expenses of the city; Contingent.

Second, General Fund, to defray the expenses of the city, for the payment of which from some other fund no provision is made; General.

Third, Fire Department Fund, to defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, paying the regularly appointed firemen and all other expenses necessary to maintain the fire department of the city; Fire department.

Fourth, General Street Fund, to defray the expenses of repairing paved, graded, planked or improved streets, and for the construction and repair of sidewalks, cross walks, bridges, drains, culverts and the cleaning of streets, sidewalks and public places, and to defray the whole, or the cities just proportion of the expenses of opening, widening, extending, altering and vacating streets, alleys and public grounds, and such other general street purposes as the council may direct; General street.

Fifth, Sewer Fund, to defray the expenses of constructing, repairing and maintaining the city's portion of sewers, and of constructing and maintaining receiving or catch basins or man holes, and putting in street and alley connections; Sewer.

Sixth, Water Fund, to defray the expenses of obtaining grounds, erecting buildings, purchasing machinery, obtaining rights of way, laying mains and constructing, extending pipes, maintaining the water works of the city; Water.

- Public building.** *Seventh*, Public Building Fund, for purchasing real estate for the erection thereon of public buildings, and to defray the expenses of erecting, repairing and maintaining such public buildings as the council is authorized to erect, and as are not otherwise provided for;
- Police.** *Eighth*, Police Fund, for the maintenance of the police department of the city, and to defray the expense of the arrest and punishment of those violating the ordinances of the city;
- Cemetery.** *Ninth*, A Cemetery Fund, to defray the cost and expenses of obtaining cemetery grounds and to defray the cost and expenses of beautifying, adorning, keeping, maintaining and caring for the cemeteries of the city;
- Interest and sinking.** *Tenth*, Interest and Sinking Fund, for the payment of the funded debt of the city and the interest thereon;
- Park.** *Eleventh*, Park Fund, to defray the expense of beautifying and caring for the public parks of the city, and for the purchase of grounds for parks;
- Public lighting.** *Twelfth*, Public Lighting Fund, to provide for the purchase, construction and maintaining of lighting plants to defray the cost and expenses of operating the same and to pay the necessary expenses of lighting the city;
- Poor.** *Thirteenth*, Poor Fund, to defray the expenses of providing for and taking care of the poor of the city;
- Educational.** *Fourteenth*, Educational Fund, to defray the expense of maintaining the public schools in the city and of obtaining grounds, erecting and maintaining public school buildings and for library purposes;
- Funds for special purposes.** *Fifteenth*, Such other funds as the council may from time to time constitute for special purposes not inconsistent with nor to be taken from any of the funds above constituted or raised.
- Division into special funds.** SEC. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds:
- Street district.** *First*, A Street District Fund, for each street district for defraying the expenses of grading, improving, repairing and working upon the streets therein, and for the payment of all street expenses as provided in this act, and such other expense which the council shall charge upon the street district;
- District sewer.** *Second*, A District Sewer Fund, for each main sewer district, for the payment of the cost and expenses of sewers and drainage and the improvement of water courses within their respective district;
- Special assessment.** *Third*, Special Assessment Fund, Any money raised by special assessment levied in any special assessment district for special sewer district to defray the expenses of any work, paving, improvement, repairs, or drainage therein, shall constitute a special fund for the purpose for which it was raised.

SEC. 5. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city, for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section three of this chapter are constituted (exclusive of taxes for schools and school house purposes) shall not, except as herein otherwise provided, exceed in any one year two per cent on the assessed value of the taxable real and personal property of the city.

Limit of tax to be raised.

SEC. 6. The council may also raise by tax in each street district, for defraying the expenses of working upon, improving and repairing and cleaning the streets of the district, and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in any one year one-fourth of one per cent on the assessed value of the taxable real and personal property of the district.

Tax amount may be raised in street districts.

SEC. 7. In addition to the above amounts, the council may raise by special assessments in sewer districts and special assessment districts, for the purpose of grading and paving, curbing, graveling and otherwise improving the streets, and for constructing sewers and drains, and making other local improvements chargeable upon the lands and property in the district, according to frontage or benefits as in this act provided, and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as they shall deem necessary.

May raise tax by special assessments.

SEC. 8. A tax or assessment of not more than two dollars per year may be levied upon each lot or premises drained by private sewer or drain leading into any public drain or sewer.

Amount levied on lot or premises for sewer or drain tax.

SEC. 9. The council may also raise such further sum annually, not exceeding three mills on the dollar, of the assessed valuation of the property in the city, as may be necessary to provide an interest and sinking fund to pay the funded debts of the city and the interest thereon.

Further sum may be raised annually.

SEC. 10. On or before the third Monday of April of each year, the comptroller shall present to the common council itemized estimates of the amount of taxes necessary to be raised as follows:

When comptroller to present estimates of amounts necessary to raise.

The amount necessary to be raised for the water fund; the amount necessary to be raised for the fire department fund; the amount necessary to be raised for the police fund; the amount necessary to be raised for the cemetery fund; the amount necessary to be raised for sewer fund, the general street fund, and park fund; the amount necessary to be raised for each ward street fund, if any, as recommended by the aldermen from their respective wards, and the comptroller shall also add thereto his estimates of the amount necessary to be raised and expended from any and all dis-

Amounts for the several funds.

When council to make estimates.

strict funds during the fiscal year, and for all other funds and purposes, and present the same with such recommendations as he may deem expedient, to the council on or before the third Monday of April in each year. If no estimates are presented, the council shall prepare estimates for each and every one of the funds and purposes required, and it shall be the duty of the comptroller, and of boards and officers of the city, to give to the council any information in their power relative to said estimates or the finances of the city.

When council to determine amounts to be raised.

SEC. 11. The council shall annually, on or before the first Monday in May, determine upon the amount required to be raised in the next general tax levy for the current year and to meet any deficiencies for the year preceding; also the amount or part of any special assessment which they require to be levied or reassessed in the next general tax rolls of the city upon lands in any main sewer, or special assessment district, whereupon any parcel of land, or against any particular person as a special assessment, all such amounts to be referred to the Board of Estimates for their approval.

When comptroller to certify to certain sums.

SEC. 12. All sums approved by the Board of Estimates in any one year, to be raised for the several general funds, shall be certified to the comptroller on or before the third Monday of May, and all sums ordered, if any, to be levied or reassessed in street or sewer districts, or as special assessments, shall be certified at the same time to the comptroller as provided in chapter twenty-four (24); and all such sums shall be levied and collected with the general city taxes next thereafter to be levied in the city.

Proceedings when general or street fund becomes exhausted.

SEC. 13. Whenever any general fund or street district fund shall have become exhausted, the council, at any time after the annual tax levy has been made up and passed by the Board of Estimates, shall have the power to borrow for the time being such sums of money as may be deemed necessary to replenish such funds in anticipation of receipts from taxes levied or authorized during the year, but the total amount so borrowed shall not exceed twenty-five per cent. authorized to be levied or raised by such Board of Estimates for such funds, and the sum or sums so borrowed shall be repaid when collected from the respective funds for which such money is borrowed.

Limit of amount may borrow.

May raise money by loan.

Loans not to exceed.

SEC. 14. The council shall also have authority to raise money by loan in anticipation of the receipt from special assessments, for the purpose of defraying the costs of improvement for which the assessment was levied. Such loans shall not exceed the amount of the assessment for the completion of the whole work.

When greater amount is required.

SEC. 15. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of grounds therefor, or for other public improvements, or purposes, to be paid for from the general funds of the city, than can be raised by the council under the fore-

going provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by two-thirds vote of the electors voting upon the question at an annual city election or special election called for such purpose. The amount that may be voted or raised in any year under the provisions of this section, shall not exceed two per cent of the assessed valuation of the property in the city as shown by the last preceding assessment roll made therein.

How such amount may be raised.

Not to exceed two per cent.

SEC. 16. The proposition to raise such additional amounts shall be submitted to a vote of the electors by an ordinance or resolution of the council, distinctly stating the purpose of the proposed expenditures, the amount proposed to be raised therefor, and whether by tax or loan. Such ordinance or resolution shall be passed by a majority of the aldermen elect and published once in each week in the official newspapers of the city, and copies thereof posted in five public places in each ward of the city, at least two weeks before the election in which the vote is to be taken. Such vote shall be by ballot.

Raising of additional amounts to be submitted to electors, how. To state what.

To be published and copies posted.

Vote by ballot.

SEC. 17. All moneys and taxes raised, loaned or appropriated for the purposes of any particular fund, shall be paid in and credited to such funds, and shall be applied to the purposes for which such moneys were raised and received, and to none other; nor shall the moneys belonging to one be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund, at the close of any fiscal year. In such case the surplus may be transferred to the sinking fund, should there be a deficiency in that fund, otherwise the council may apply such surplus as they shall deem proper. Moneys not received or appropriated for any particular fund shall be credited to the contingent fund.

Disposition of moneys raised.

SEC. 18. No money shall be drawn from the treasury, except in pursuance of the authority and appropriation of the council, and upon the warrant of the clerk duly countersigned. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund.

How money shall be drawn from treasury.

SEC. 19. No warrant shall be drawn upon the treasury, after the fund from which it should be paid has been exhausted; nor when the liabilities outstanding, and previously incurred from such fund, are sufficient to exhaust it. Any warrant, draft or contract, payable by the provisions in this act from any particular fund, excepting bonds given for loans herein authorized, and issued or made after such fund has been exhausted by a previous payment or by previous liabilities payable from such fund, shall be void as against the city.

When no warrant shall be drawn on treasury

SEC. 20. No loans shall be made by the council, or by its authority, in any year exceeding the amounts prescribed

Loans council may make.

Bonds and rate of interest. in this act. For any loans lawfully made, the bonds of the city may be issued, bearing a legal rate of interest. A record showing the dates, numbers and amounts of all bonds issued, and when due, shall be kept by the city comptroller.

Who to keep record of bonds. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change but not to increase the indebtedness of the city. Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable. All bonds and evidences of debt, when funded, purchased or paid, at the close of each fiscal year, shall be cancelled and destroyed by the treasurer in the presence of the city comptroller and a special committee of the council appointed for that purpose. The comptroller shall record and keep an accurate description of all the bonds and evidences of debt thus cancelled and destroyed.

May extend time, issue new bonds.

Bonds shall show.

To be cancelled and destroyed.

Record and description to be kept.

Council to audit and settle accounts of officers. SEC. 21. Immediately upon the close of the fiscal year the council shall audit and settle the accounts of the city treasurer and other officers of the city, and the accounts also, as far as practicable, of all persons having claims against the city, or accounts with it not previously audited; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, and the amount raised for each fund; the amount levied by special assessment and the amount collected on each; and the amount of money borrowed and upon what time and terms, and for what purpose; also the items and amounts received from all other sources during the year, and the object thereof, classifying the expenditures for each purpose separately. Said statement shall, also, show the amount and items of all indebtedness outstanding against the city, and to whom payable, and with what rate of interest; the amount of salary or compensation paid or payable to each officer of the city for the year, and such other information as shall be necessary to a full understanding of all the financial concerns of the city. Said statement signed by the mayor and clerk, shall be filed in the office of the city clerk, and a copy thereof published in the official newspaper of the city.

Annual statement, what to show.

To be filed with city clerk. To be published.

Misappropriation of funds a misdemeanor. SEC. 22. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the corporation or any board thereof, to his own use, or shall, directly or indirectly and knowingly appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property may have been appropriated, raised or received, or to any purpose not authorized by law he shall be deemed guilty of

wilful and corrupt malfeasance in office, and may be prosecuted, tried and convicted thereof, and, on conviction, may be punished by fine not exceeding one thousand dollars, or by imprisonment in the State's prison for a period not exceeding three years, or both, in the discretion of the court. Penalty.

SEC. 23. Every bond issued by the city, shall contain on its face a statement specifying the object for which the same is issued, and if issued for the purpose of raising money for any public improvement, the particular public improvement shall also be specified on the face of such bond, and it shall be unlawful for any officer of the city to sign or issue any such bond without such matters are set forth on the face of the same as aforesaid, or to use such bond or the proceeds from the sale thereof for any other object than that mentioned on the face of such bond, and any such officer who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for a period not exceeding one year, or by both such fine and imprisonment in the discretion of the court. Statement on face of bonds, what to specify.

What a misdemeanor.
Penalty.

CHAPTER XXXI.

BOARD OF ESTIMATES.

SECTION 1. The Board of Estimates in and for the city of West Bay City is hereby created to consist of three members, who shall be appointed by the common council upon the nomination of the mayor. The members of said board first appointed shall hold their office for the term of one, two, three, years respectively, and until their successors qualify. The term of office of the members of said board appointed thereafter shall be three years. They shall serve without pay, The said board shall be first appointed as soon as may be after this act takes effect, and the term of office of the member appointed for one year, shall be deemed to expire upon the qualification of his successor, who shall be appointed as provided in section three, chapter five, of the charter of said city. The members of said board shall be citizens and resident electors and taxpayers of said city. Said board shall elect one of their number president of said board, who shall preside at its meetings, and who shall hold his office until the annual appointment of members of said board. If he is absent or incapacitated from performing his duties, the board shall appoint a president *pro tempore*. The city clerk shall keep a record of its proceedings. The meetings of said board shall be held in the common council chamber. Said board shall meet annually on the first Thursday in May, at seven Board of estimates who to appoint.
Term of office.
First appointed.

Qualification of members of board.
Shall elect president
Term of office.

City clerk.
Meetings, where held.

**When no
quorum
present.**

**When not nec-
essary to call
meetings.**

**May call upon
council for
information.**

**May inspect
books.**

**Proceedings
before taxes
are levied and
collected.**

**Council to act
upon estimates.**

**When submit-
ted to board of
estimates.**

**When to report
to council.
Powers of board
of estimates.**

**Who to approve
estimates.**

**Vote to be by
yeas and nays.**

o'clock in the afternoon, and other meetings shall be held on the call of the president, or on written notice of a majority of the members of said board delivered to the clerk. The board may adjourn from time to time, and in case no quorum shall be present at the appointed time of meeting, those present shall adjourn such meeting to some future time, and from time to time until the business referred to it by the council is disposed of, and it shall not be necessary, after the council has referred to the board of estimates any resolution or proceeding which is herein required to be referred to said board, to again call a meeting of said board of estimates, but it shall dispose of such matter without further call from the council. The board shall have the right to call upon the council, or upon any officers or boards of the corporation, for any information which it may require, or for further reports for the purpose of estimating any amount to be raised, or in reference to any other matter pending before such board. And such board or officer shall furnish the same as soon as possible after such request. It shall also have the right to inspect the official books and papers of said officers or boards.

SEC. 2. Before any money shall be raised, or taxes levied and collected, for the purpose of the several funds mentioned in the charter of said city, or for school purposes in said city, the estimates of the council and the board of education, of the amount of moneys required for such funds or purposes, shall be submitted to said board of estimates for approval, and before any bonds or other evidences of indebtedness shall be issued by the city or any board thereof, said issue shall be approved by said board of estimates, unless they have been authorized by a vote of the people, as provided in said charter. The estimates of the general city taxes shall be acted upon by the council as provided by the charter, and shall be submitted to said board of estimates on the first Thursday in May to be considered by the board and reported by it to the council on or before the third Monday of May. The said board shall carefully consider all estimates required by this act to be submitted to it, of moneys to be raised as aforesaid, and shall approve or disapprove of the same. It may decrease the amount to be raised, but shall not increase the same, and may approve, subject to the conditions of this act, the sale of bonds of said city, or boards thereof, when thereto authorized by law. The majority of all members of said board shall be required to approve of any of such estimates for the raising of taxes, or any part thereof, or for authorizing the issue of any bonds or other evidences of indebtedness against said city, except when the same are authorized by a vote of the taxpaying electors of said city, as provided by this charter.

SEC. 3. All votes of said board approving or disapproving of any estimates, or decreasing the amounts thereof, or the authorizing or disapproving the issuing of bonds, shall

be taken by yeas and nays, and entered upon the record of its proceedings. After the said board shall have considered the said matters required to be submitted to it, it shall cause a statement of the amounts approved by it to be raised by taxation or issue of bonds, and the fund or purpose for which it is raised to be made, which statement being adopted by a majority of the members elect of the board, shall be then signed by the president and clerk of the board, and shall be transmitted to the council, and only so much of such estimate or amounts to be raised by taxation as shall have been approved by said board, shall be raised and collected in said city, and only such bonds and other evidence of indebtedness against said city shall be issued as shall be authorized by said board as herein provided, or as shall have been authorized by a vote of the qualified electors of the city, or the taxing district affected thereby, in accordance with the provisions of the charter of said city. The council of said city, upon approval of said estimates, or any part thereof, by said board, may cause to be levied and collected by general taxes the amount thereof so approved, in the manner, in this charter provided, and may issue any bonds so authorized to be issued by said board as aforesaid: *Provided*, The amount approved by said board for school purposes, for interest and sinking fund, and for the purpose of paying the street improvement and sewer bonds and the interest thereon as provided in this charter, shall be levied in full.

Statement of
amounts
approved.

Who to sign
statement.

What amounts
to be raised.

Council may
levy and
collect.

Proviso.

SEC. 4. All the provisions of this chapter shall apply to the estimates for school purposes and money and funds to be raised therefor in like manner and with the same force and effect as it applies to other funds and estimates therefor, to be raised or borrowed for any purpose by said city or any board thereof. All acts or parts of acts in anywise contravening the provisions of this act are in so far as they are inconsistent herewith are hereby repealed.

To apply to
estimates for
school pur-
poses.

Acts repealed.

CHAPTER XXXII.

ASSESSMENT AND COLLECTION OF TAXES.

SECTION 1. It shall be the duty of the board of assessors of the city, on or before the third Monday of June, of each year, to assess the property [in] of the city liable to taxation under the general tax laws of this State, now or hereafter in force, and they shall for the purpose of making such assessment have all the powers and perform all the duties of supervisors of townships in this State. They shall divide the assessment roll into separate parts, one for each ward in the city, assessing the real estate in the ward in which the same, or any part thereof may be situated. The personal property found in any ward may be assessed therein, whether the owner thereof re-

When board of
assessors to
make assess-
ment.

Powers of.
Shall divide
assessment roll.

Where property
assessed.

sides in such ward or elsewhere. If there shall be any doubt as to the ward in which any person shall be assessed for personal property belonging to such person the board of review hereinafter mentioned may direct the ward in which the assessment shall be made, and any assessment so made shall be conclusive as to the liability of such person to be assessed in such ward for such property. The comptroller shall prepare and annex to such assessment roll a complete index showing, in alphabetical order, the names of all persons assessed therein, with reference to page or pages in the roll where the assessment may be found and such comptroller shall have and exercise the same powers and duties relating to the making of the assessment roll as are, or may be, given to supervisors of townships by the general tax laws of the State, and he shall be governed by such laws, except as herein otherwise provided. After completing such assessment roll, he shall, on the third Monday of June of each year, deliver the same to the board of review of the city.

Index to roll.

When roll to be delivered to board of review.

Board of review.

Meetings of.

When completed. Proviso.

Powers and duties.

Proviso.

Persons aggrieved.

SEC. 2. The board of review shall consist of the assessors, the comptroller, city attorney and senior alderman of each ward in the city. Said board of review shall meet at the council rooms or at such other place as may be designated by the council, on the third Monday in June in each year, and continue [in] the session from day to day, at least six hours each day, until the assessment roll shall have been fully and carefully reviewed, corrected and approved, which shall be on or before the fourth Monday in June: *Provided*, That the council shall have [the] power to [extent] extend the time, not exceeding six days. The board shall have power and it shall be its duty to examine and correct any assessment or valuation, and to place upon the assessment roll in the proper ward any taxable property, real or personal, not already assessed, which may be held or owned by any person or persons, and to strike from such roll any property, real or personal, wrongfully thereon: *Provided*, That no assessment shall be increased, nor person or property added to such roll, except upon notice to the person to be affected thereby, served in the case of a resident of the city, personally, or by leaving the same at his usual place of abode twenty-four hours before any action is taken by the board in respect to such assessment, and in the case of a non-resident by one publication in the official newspaper of the city.

SEC. 3. Any person considering himself aggrieved by reason of any assessment may complain thereof, either verbally or in writing before such board and on sufficient cause being shown by the affidavit of such person, or upon oral proof or other evidence to the satisfaction of such board it shall review the assessment complained of and may alter or correct the same as to the person charged thereby the property described therein and the estimated value thereof and may increase or

diminish any assessment as it may see fit. The concurrence of a majority of the board shall be sufficient to decide any question that may come before such board.

SEC. 4. The board shall elect one of its members as president and the city comptroller shall be clerk thereof. It shall be the duty of such clerk to keep a record of all the proceedings of such board in a book provided for that purpose, to make regular entries of all resolutions and decisions of the board on all questions, to record the vote of each member of said board on any question submitted to the board if required by any member present, and to file and preserve all petitions, affidavits and other written documents presented to the board. The board may examine on oath any person touching the matter of his or her assessment, and the chairman or clerk of such board may administer such oaths. Said board shall have authority to equalize, alter, amend, and correct any assessment or valuation but no assessment shall be changed in any way except by a motion or resolution regularly put and adopted by a majority of the members of said board, which motion or resolution shall state the amount at which such assessment is fixed as reviewed by said board. Each day's proceedings of said board shall be read, approved by the board and signed by the chairman thereof, and the decision of the board shall be final. The comptroller shall give notice of the time and place when and where said board of review will meet, and the length of time the same will remain in session for the review and correction of such assessment roll, by publication thereof in the official newspaper of the city and by posting printed copies of the same in at least three public places in each ward in the city, at least ten days prior to the time fixed for the commencement of its session.

President of board, who to be clerk. duties of.

Authority of board.

Decision of to be final. How notice of meetings, etc., to be given.

SEC. 5. When such assessment roll shall be completed the comptroller shall endorse thereon "City Tax Roll," and said roll shall, when so endorsed, be *prima facie* evidence in all courts and tribunals of the regularity of all the [proceeding] proceedings preliminary to the making thereof, and of the validity of said tax and tax roll, and said comptroller shall forthwith make therefrom, and deliver within thirty days to the city clerk a full and complete copy of such assessment roll for the use of the common council.

What to be evidence.

To make copy or roll.

SEC. 6. Whenever, in consequence of a defective description or assessment of any land whereby the same cannot be sold for the city taxes of any year the council may cause such taxes to be reassessed upon such lands at the next annual tax levy. The treasurer of the city shall immediately after receiving the city tax roll or any local tax roll, proceed to examine such tax roll and he shall reject all lands therein which are improperly and inadequately described, and all lands therein more than once assessed, or which from any

In case of a defective description taxes to be reassessed

reason are not properly assessed on such roll, and shall report the same in writing to the council before the next annual tax levy.

Comptroller to assess the taxes.

How assessment roll to be made.

Comptroller to deliver roll to treasurer with warrant.

In case taxes not paid within thirty days.

Treasurer to give notice on receipt of roll.

SEC. 7. It shall be the duty of the comptroller under the direction of the council whenever the city assessment roll shall have been completed, reviewed, and corrected in each and every year to assess the taxes that have been ordered by the council to be levied for the year upon the taxable property of the city, or any ward or locality thereof according and in proportion to the individual and particular estimate and valuation, as specified in the assessment roll of the city for the year as approved by the board of review. Such assessment roll shall contain the taxes for the general funds of the city for the year, annexed to each valuation and carried out in a column thereof, and if there be other taxes assessed than for the said general fund, they shall be carried out in separate columns and all special assessments required by the council or the provisions of this act to be assessed in such roll against any description of land, shall be carried out in separate columns, and the total amount of taxes and assessments shall be carried in the last column in such roll. The comptroller of said city shall thereupon deliver to the city treasurer, on or before the first Monday in August, a copy of said assessment roll with his warrant attached thereto, commanding said treasurer to collect from the several persons named in said roll the several sums mentioned in the last column thereof set opposite their respective names, and in addition thereto one per cent upon all sums paid for collecting expenses for the first thirty days thereafter, and three per cent additional for collecting expenses on all such taxes remaining unpaid after said thirty days. And also one per cent interest per month for every month or fraction of a month upon all such unpaid taxes after said thirty days, and it shall authorize the treasurer, in case any person shall neglect or refuse to pay his tax and said collecting expenses and interest, if any, to levy the same by distress and sale of the goods and chattels of such person; and to retain the said tax roll in his hands for the purposes therein specified, and to return said roll to said comptroller on the first day of November next following.

SEC. 8. The treasurer upon receiving such tax roll, shall give notice to the taxpayers of the city that such assessment has been delivered to him, and that the taxes therein assessed can be paid to him at his office in said city at any time within thirty days after the giving of such notice, with the addition of one per cent for the collection thereof, which notice shall be given by publishing the same in the official newspaper of the city, and by posting the same in at least three public places in each of the wards of said city and an affidavit or affidavits showing the publication and posting

of said notices shall be filed in the office of the city clerk of the city, and it shall be the duty of the treasurer during said thirty days to be at his office daily during reasonable office hours to receive payment of said taxes: *Provided*, In case such treasurer is justly apprehensive of the loss of any personal tax he may collect the same by levy and distress at any time under his warrant, or bring suit in the name of the city to recover the same, and in case of seizure of property or suit brought he may add four per cent for collection fees in addition to the other costs and charges connected with such levy or suit.

Treasurer to be at his office daily.
Provido.

SEC. 9. The treasurer shall also forthwith cause notice to be served upon or mailed to each person whose name appears upon such roll notifying him that the city roll is in the hands of said treasurer, that the taxes and [assessment] assessments charged to him upon said roll, and the percentage for the collection of the same, is due. In case any person named in said roll shall refuse or neglect to pay any tax on personal or real estate belonging to him, the treasurer shall levy the same by distress and sale of [the] goods and chattels of said person wherever the same may be found within the county of Bay; and thereupon the treasurer shall possess all the powers, be subject to all the duties conferred and imposed by sections thirty-five and thirty-eight of an act entitled "An act to provide for the assessment of property and the levy and the collection of taxes thereon," approved March fourteenth, eighteen hundred and eighty-two, being act number nine of the session laws of eighteen hundred and eighty-two, and amendments thereto.

Personal notice to be given.

In case any person neglect or refuse to pay tax.

SEC. 10. Upon all taxes paid on or before the expiration of thirty days from the first Monday in August in each year, one per cent will be added and collected by the treasurer for collecting expenses. Upon all taxes paid after that time four per cent will be added and collected by said treasurer for collecting expenses. The Treasurer shall collect interest upon all taxes paid after the expiration of said thirty days, to be computed at the rate of one per cent per month for each month or fraction of a month. Such interest and collecting expenses shall become a part of said tax, and such tax, collecting expenses and interest shall be collected by said treasurer in the same manner and at the same time. Within ten days after the return day mentioned in said warrant the said treasurer shall return said city roll to the comptroller. All taxes collected as city taxes shall be applied to fill the city fund, and taxes assessed and collected as street district taxes in each street district shall be applied to fill the street district fund of that district and all other taxes shall be applied to the funds and purposes for which they are levied. All moneys collected as collecting expenses, according to the provisions of this chapter, shall be entered by the

Taxes paid before thirty days one per cent collection fee to be collected.

When treasurer to collect interest.

When roll to be returned to comptroller.

treasurer upon the collection book provided for in section thirteen of this chapter and when collected shall be placed to the credit of the city contingent fund.

Comptroller to
make a copy of
assessment roll.
"County Tax
Roll."

SEC. 11. The comptroller shall each year make a copy of the city assessment roll as approved by the board of review of said city, which copy shall be used and known as the "County Tax Roll," which said county tax roll he shall present to the board of supervisors of Bay county at their annual meeting in the month of October; which said county tax roll shall be and constitute the assessment roll for State, county, and school taxes in said city, and the same shall be conclusively presumed, by all tribunals, to be valid and to have been made according to law. It shall be the duty of the clerk of the board of supervisors to deliver to the comptroller of said city, the certificate of taxes directed to be levied in said city by the board of supervisors of Bay county, at the annual session in each year, pursuant to law; and said comptroller shall thereupon assess and levy the same upon said county tax roll.

Increase tax is
unpaid when
roll is returned
to comptroller.

SEC. 12. If any tax assessed upon the city tax roll against any person or upon any property, real or personal, shall remain unpaid at the time of the return of such tax roll to the comptroller, the comptroller shall enter and assess the amount of said taxes with the interest accrued thereon computed at the rate of one per cent per month for each month or fraction of a month added thereto upon said "County Tax Roll" opposite to and against the same person and property. The different taxes to be assessed upon said "County Tax Roll", shall be entered in the different columns as follows: The State tax in a column headed "State tax," county tax in a column headed "County tax," bridge tax in a column headed "Bridge tax," stone road tax in a column headed "Stone road tax," district sewer tax in a column headed "District sewer tax," lateral sewer and street improvement tax in a column headed "City special improvement tax," and all other city taxes in a column headed "General city taxes."

How taxes entered in roll.

Taxes paid to
be marked
"paid."

In case of undivided interest in land.

SEC. 13. When any tax assessed upon any tax roll is paid, or collected by the treasurer, he shall give a receipt therefor, and shall write the word "Paid" in ink with date of payment upon such roll opposite thereto, and shall indicate on said roll opposite the tax the amount of interest collected, in ink. If the tax upon any particular description of land upon said roll shall be paid only on a part of the land, or upon an undivided interest therein, that fact shall be fully stated upon said roll so that it may, by inspection of the roll, be readily determined upon what part or interest the tax has been paid, and upon what part or interest it has not been paid. The treasurer shall keep a tax collection book in which he shall enter in separate columns the name of the party paying, the tax paid, page of

tax roll, amount of tax paid, amount of interest paid and date of payment of tax.

SEC. 14. The comptroller shall deliver the county tax roll with his warrant attached thereto, to the treasurer of said city on or before the first Monday of December. Said warrant shall be under the hand of the comptroller commanding said treasurer to collect from the several persons named in said roll the several sums mentioned in the last column thereof set opposite their respective names, and in addition thereto one per cent upon all sums paid, for collecting expenses, on or before January the tenth, next thereafter, and three per cent additional for collecting expenses on all such taxes remaining unpaid after said date; and also one per cent interest per month for each month or fraction of a month upon all such unpaid taxes after January thirty-first; and it shall authorize the treasurer, in case any person shall neglect or refuse to pay his tax, and said collecting expenses and interest, if any, to levy the same by distress and sale of the goods and chattels of such person; and to retain in his hands the amount receivable by law into the city treasury for the purposes therein specified, and to account for and pay over to the county treasurer the amounts therein specified for State and county purposes on or before the first day of February then next ensuing.

County tax roll with warrant to be delivered to treasurer.

SEC. 15. Upon receiving said county tax roll and warrant said treasurer shall forthwith cause notice to be served upon or mailed to each person whose name appears upon said roll, notifying them that said county tax roll is in the hands of said treasurer and that a tax assessed thereon against said person and the percentage for the collection of the same is now due, and that if said tax is not paid on or before the thirty-first day of January then next, interest will be added thereto at the rate of one per cent per month for each month or fraction of a month. Said treasurer shall possess the same powers and be charged with like duties under and in respect to the county tax roll and warrant thereto annexed, as is prescribed in respect to the city tax roll and warrant thereto annexed; and he shall also possess all the powers, be subject to all the liabilities and discharge all the duties prescribed by general law for township treasurers in respect to the collection of taxes, the paying over and accounting for moneys received for taxes, the return to the county treasurer of property delinquent for taxes and in respect to all other matters pertaining to the subject of taxes and taxation except as herein otherwise provided.

Notice to be given on receipt of roll.

Treasurer to have same powers with regard to county tax roll as to city tax roll.

SEC. 16. Upon all taxes paid on or before January the tenth then next, after the county tax roll is delivered to said treasurer, one per cent shall be added thereto and collected, for collecting expenses; and three per cent additional for collecting expenses shall be added and collected by said treasurer on all such taxes paid after said January tenth, and inter-

One per cent to be collected for collection expenses.

est shall be computed, added to the tax and collected by the treasurer upon all unpaid taxes, after the thirty-first day of January, at the same rate and in the same manner as is provided by section seven in respect to taxes assessed upon the city tax roll.

Moneys to be applied to funds for which assessed.

SEC. 17. The moneys collected by the treasurer upon the county tax roll as school taxes, shall be applied to fill the school fund, and all other city taxes when collected shall be applied to the proper general or special fund, as the case may be, for which they were assessed, and all other moneys belonging to the city and not belonging to any particular fund, shall be applied to the contingent fund, to be used for any purpose the council may determine.

Council may extend time.

SEC. 18. The council shall have power to extend the time for the collection of taxes on said county tax roll and for making return thereon in the manner and to the extent now and as may be hereafter provided by general law.

In case of parks, etc.

SEC. 19. No public square, park or other public ground, and no property owned by said city or the board of education of said city, shall be assessed for any tax or any assessment whatever, except for local taxes and improvements; and for such taxes and such improvements such property shall be assessed in like manner as the property of private individuals.

How moneys to be drawn from the treasurer.

SEC. 20. All moneys drawn from the treasurer except school funds shall be drawn in pursuance of an order of the council, by warrant signed by the mayor and clerk and countersigned by the comptroller. Such warrant shall specify for what purpose the amount therein named is to be paid, and the clerk shall keep an accurate account of all warrants made by him. The treasurer shall keep an accurate account of, and report to the comptroller on the first of each month, a detailed statement of all taxes and interest collected and moneys received and disbursed. All warrants paid by the treasurer shall at all times be subject to the inspection of the comptroller, who shall give the treasurer credit for moneys disbursed. The comptroller shall render statements of the accounts of the city appearing upon his books, whenever required by the council.

Warrants.

Delinquent taxes.

SEC. 21. The comptroller, at the time of delivering any tax roll to the treasurer, shall charge the amount of taxes assessed thereon to the treasurer, and when such roll shall be returned the treasurer shall be credited with the amount of tax remaining delinquent. The interest collected by the treasurer shall be credited by the comptroller ratably to all the funds mentioned in the warrants annexed. At the time of the return of the county roll to the county treasurer the comptroller shall charge said county treasurer the amounts of said return roll. at the time of any settlement between the city treasurer and county treasurer, said county treasurer, on paying over any sums due West Bay City, shall furnish a full statement to the

comptroller and treasurer of the amounts of such taxes and interest collected and paid over, giving each fund separate. The said county treasurer of said Bay county shall, on demand and as fast as the same are received, pay over to said city the full amount of all city taxes returned delinquent for non-payment, received by such county treasurer, together with the interest and the collection fee thereon, and he shall also, as soon as the same are received by the county, pay over unto said city the net proceeds of the sale of all property so returned delinquent for the non-payment of city taxes of said city.

SEC. 22. The city treasurer shall file like bonds, and upon receiving such roll shall proceed to collect the State, county, school, and all of the taxes on said roll and pay over the amount collected for State and county taxes to the county treasurer and return to the county treasurer a statement of the taxes remaining unpaid on said roll, in the manner provided by law for township treasurers; and all the provisions of the laws of this State relating to the collection of taxes by township treasurers and paying over the same to the county treasurer, or the returning by township treasurers to the county treasurer of a statement of the taxes remaining unpaid, are hereby made applicable to the treasurer of said city, except as may be in this act otherwise provided.

Treasurer to
file bond and
collect taxes.

SEC. 23. The said council shall have power and authority to make and establish all by-laws for the collection of taxes and assessments, and every local, special or general assessment, or tax lawfully imposed by said council on any personal property, lands, tenements, hereditaments, or premises whatever in said city, shall be and remain a lien on such personal property, lands, tenements, hereditaments, and premises, from the time of imposing such tax or assessment until paid, and the owner or occupants or parties interested respectively in said chattels and real estate, shall be liable on demand to pay every such tax and assessment to be levied as aforesaid.

Council to
establish by-
laws for the
collection of
taxes.

CHAPTER XXXIII.

EDUCATION.

SECTION 1. That the city of West Bay City and all contiguous territory which shall be added thereto shall continue to constitute one school district, and shall be governed by the provisions of this chapter, and all public schools therein shall be under the control of a board of education hereinafter provided for, and the school shall be free to all residents of said district over the age of five years. Such school district shall be a body corporate by the name and style of the "Public Schools of the city of West Bay City," and shall possess the

City of West
Bay City, etc.,
to be one
school district.

Corporate
powers.

usual powers of corporations for public purposes and in that name may sue and be sued, and purchase, acquire, hold and dispose of such real and personal property as is authorized to be purchased, acquired or disposed of by this chapter.

Board of education.

SEC. 2. The board of education of such public schools shall consist of two members from each ward of the city. Each of such members shall hold office for the term of two years from and after the date of the annual school election herein provided for, and until his successor is elected and qualified. The term of one member of such board in each ward shall expire each year. The trustees now in office shall so continue until the expiration of the term for which they were elected, and at the first election held under this act one trustee shall be elected in each ward, for the term of two years, and annually thereafter one trustee shall be elected for a term of two years. The regular annual election of school trustees shall be held on the second Monday of July in each year.

Annual election, when and where held.

SEC. 3. Such annual election of school trustees as above provided shall be held at such place in each ward of the city as the board of education shall designate. The polls shall be opened at two o'clock in the afternoon and shall continue open without intermission or adjournment until the hour of eight o'clock in the afternoon, at which time they shall be finally closed. Such election shall be by ballot, and shall, except as herein otherwise provided, be conducted in all respects in the manner provided by law for conducting the election of officers in graded school districts. The board of education shall, at least ten days before the time fixed for holding the election, designate the place in each ward where the same is to be held. Notice of the time and places of holding such election shall be given by the secretary of the board at least five days before such election by posting notices in three public places in each ward of the city, and by publishing a copy thereof in the official newspaper of the city the same length of time before such election.

Election by ballot.

Notice of time and place of holding election.

Board of education to be board of inspectors of such election.

SEC. 4. The members of the board of education of each ward respectively, shall constitute a board of inspectors for such election. Each of said inspectors shall take the required oath to faithfully perform the duties of inspector of such election, and if either or both of such inspectors shall not be present at the time of the opening of the polls, or remain in attendance, the electors present may choose *viva voce* such number of such electors as will constitute a board of two inspectors of such election. Every person shall be entitled to vote at such election who is qualified by the general school laws of the State to vote at any election of school officers. The board of inspectors shall have the same authority and power in maintaining and enforcing order and obedience to their lawful commands at such election and during the canvass

Who to vote at such election.

of the vote as are conferred by the general laws of the State upon school officers in similar cases.

SEC. 5. The inspectors in each ward shall appoint a clerk whose duty it shall be to make a poll list of the names of all persons voting at such election. It shall be the duty of the secretary of said board of education to furnish such inspectors in each ward with the registration books of such ward for the use of such board during such election.

Clerk of election.

SEC. 6. When said polls shall be finally closed, the board of inspectors shall proceed publicly to count the ballots and to determine and to declare the number of votes cast, and for whom, and the person or persons so receiving the highest number of votes at such election shall be declared by such board to be duly elected members of the board of education; and if two persons shall have received an equal number of votes said inspectors shall choose one of such persons by lot as such trustee. The inspector shall thereupon forthwith prepare a statement or a certificate in writing showing the whole number of votes cast and the number of votes cast for each person for whom votes were cast, which statement together with the minutes and other papers of the election shall, on the same or next succeeding day, be filed with the secretary of the board of education of said city. When the vote shall have been declared by the inspectors, the ballots shall be sealed up and returned to the box, and the box to be locked and sealed and deposited with the secretary at the time of the filing of such statement. Every person so declared elected to the office of school trustee under the provisions of this chapter shall, within five days after such election, qualify by taking and subscribing the required oath of office, and filing the same with the secretary of the board of education.

Inspectors to canvass votes.

Statement.

To subscribe oath of office.

SEC. 7. The board of education shall pay all the expenses of such election from the contingent fund of the district. Each inspector and clerk of the election shall receive the sum of two dollars for the services performed in relation to such election.

Expenses of election.

SEC. 8. A majority of all the members elect of said board shall constitute a quorum, and said board may meet from time to time for the purpose of transacting their business. A regular meeting of the board shall be held at least once each month at such time as shall be designated by the rules and regulations of the board. At the first regular meeting of the said board of education after each annual election, they shall elect from their own number a president, who shall hold his office for one year thereafter, and until his successor is elected. Vacancy in said office shall be filled by said board, immediately after same shall occur. The city clerk of West Bay City shall be *ex officio* secretary of said board of education but shall have no vote therein, nor any compensation therefor.

Quorum.

President to be elected.

Who to be secretary.

The city treasurer shall be treasurer of the public schools, as hereinbefore in this act provided.

Powers and
duties of board.

SEC. 9. The board of education shall have the control and management of the property, interest and affairs of the district, and of the schools organized or that may be organized therein. They shall continue and maintain such primary and graded schools as the public interest may require; and shall continue and maintain, as shall be deemed for the best interest of the city, a high school for instruction in higher branches of education, authorized by the school laws of the State. The schools of the district shall be public and free to all children between the ages of five and twenty years residing within the city; and shall be taught for such length of time at least, during each year as is or may be required by law in respect to school districts having a like number of children of the ages aforesaid.

Schools to be
free.

Duties.

SEC. 10. The board of education shall appoint and employ a superintendent and the teachers and instructors for the public schools, and determine their salaries and define their duties. They shall prescribe the courses of studies to be pursued, the books to be used, classifying the pupils as may be expedient, and provide the necessary apparatus and facilities for instruction, determine the rate of charges for instruction to pupils not resident in the city, make all regulation necessary or required for the examination of teachers, determine the length of time the schools shall be taught each year, adopt rules for the regulation and government of the schools, and do whatever may be required to advance the interests of education.

School houses
to be erected.

SEC. 11. The board of education shall have authority, and it shall be their duty, to designate and establish such number of sites for school houses in the district as may be necessary; and to purchase and procure the lands therefor; and to erect and maintain thereon, in proper repair, convenient and suitable school houses and buildings for the use of the public schools and to provide the proper furniture and appurtenances for such buildings and grounds. They may also lease lands and buildings for the use of the schools; and may sell and dispose of any lands and property of the district when no longer needed. They shall make and enforce all needful regulations for the protection and preservation of the school buildings, property and improvements of the district; and the council shall also pass all necessary ordinances for that purpose.

Census to be
taken of all
children.

SEC. 12. The board shall cause a census to be taken annually of all the children between the ages of five and twenty years, residing in the district, within the time and in the manner required by law, and report the same and make and transmit all necessary reports to the proper officers, as designated by law, in order that the district may receive its share of the primary school funds and library moneys. For the purpose

of distribution of the primary school funds and moneys collected from fines and penalties, the city shall be considered the same as a township and said board shall be entitled from the county treasurer or other officer for the use of the public schools all moneys appropriated or apportioned to the city for primary schools and district libraries.

SEC. 13. The board shall during the last week of the month of August in each year publish a statement of the number of schools in the city, the number of teachers employed, and of the pupils instructed therein during the preceding year, and the branches of education pursued in such school and at the same time make and publish a statement of all the receipts and expenditures of the district for the preceding year, showing the items thereof, the sources of income, the amount of salaries paid to teachers and employes, and to whom paid, the obligations incurred during the year, and the amount of indebtedness outstanding and to whom payable, and also the estimates required to be made as in the next section mentioned, of the expenditures for grounds and buildings and for the support of the schools for the ensuing year, and the items thereof, all of which shall be recorded with the proceedings of the board.

Board to publish annual statement.

SEC. 14. The board shall also make and deliver to the board of estimates annually, in the month of September, an estimate and report of the amounts necessary to be raised in addition to other school funds for the entire support of the public schools, including fuel, pay of teachers, repairs, and other incidental expenses, and the payment of interest and indebtedness falling due, and for the purchase of grounds and the construction of school buildings, and for all purposes of expenditures which the board is authorized or required to make during the ensuing year, specifying the different object of expense as particularly as may be, and such amount as is approved by the board of estimates the council shall cause to be raised by tax upon all the taxable property in the city with the State and county taxes next thereafter to be raised: *Provided*, That the amount so to be raised in any one year for the purchase of grounds and the erection of buildings, and for the payment of indebtedness and interest thereon incurred for grounds and buildings and for all the other purposes above mentioned, shall not exceed one and one-half (1½) per cent on the dollar of the taxable valuation of the real and personal property in the city as shown by the tax roll of the current year.

Board to report amount necessary to be raised to board of estimates.

Proviso.

SEC. 15. For the payment of current expenses the board may borrow from time to time, in anticipation of the collection of taxes levied, or herein authorized to be levied during the same year for the school purposes, such sum not exceeding twenty-five per cent of the tax to be paid therefrom, as they

Current expenses, how paid.

When may
levy tax or
make loan.

may deem expedient. Should any greater sum be required in any one year for the purchase of grounds, the erection of school buildings and for the payment of indebtedness incurred for such purposes than can be raised under the provision of the foregoing sections, such sum, not exceeding two per cent of the taxable valuation of the property in the city for the current year may be raised by tax or loan, if authorized by a majority vote of such electors of the district as are authorized by the general school laws of the State to vote upon all questions. Whenever the board of education shall deem it necessary to submit such question to such electors they shall

When to submit to electors.

so declare by resolution, and the question may then be submitted at the next annual election of school trustees or at a special election to be called for such purpose by such board.

Special election.

If a special election is called the board shall designate the time and place in each ward for holding such election, which time shall be not less than twenty days thereafter. It shall thereupon be the duty of the secretary of such board to give notice of such resolution, and of the time and places of holding such special election, at least ten days before the holding of such election, by posting notices in at least three public places in each ward, and by publishing a copy thereof in the official newspaper of the city the same length of time before such election. Such special election shall be held upon the day and at the place in each ward so designated in such notice. The vote shall be by ballot and the election shall be conducted in the manner hereinbefore provided for the election of school trustees. The inspector shall canvass the vote and certify the result of the election in their respective wards to the board of education who shall canvass the vote as returned upon such certificates, and declare the result of such election. For any sums borrowed, and for the renewing of former loans, the board may issue the bonds of the public schools of the city, for the payment of which the faith of the district shall be pledged.

Manner of conducting election.

Treasurer to give bond.

SEC. 16. The treasurer shall give bond to the public schools of the city, in such sum and with such sureties as the board of education shall approve, conditioned for the faithful performance of the duties of his office. All school moneys receivable from the county treasurer and from the collection of taxes and other sources, shall be deposited with the treasurer of the public schools, and shall not be used, applied to, or paid out by the treasurer for any purpose except upon the written order of the secretary, duly countersigned by president of the board. Any officer or person paying to the treasurer any money belonging to the public schools, shall take duplicate receipts thereof, and transmit one of them to the secretary of the board.

Board to direct the deposit of moneys.

SEC. 17. The board of education shall have the power to direct the deposit of all moneys in any reliable bank or banks

and to contract with any such bank or banks for the safe keeping of all public moneys and for the receipt of interest thereon at a rate not exceeding five per centum per annum upon such moneys of the corporation deposited with such bank or banks and to be drawn on account current from such bank or banks by the board of education to the city treasurer; and such interest shall belong and be credited to the educational fund: *Provided*, That when the board of education has directed the treasurer to deposit said money with any bank or banks, such bank or banks shall give a bond to the public schools of the city, with sureties in number and amount to be approved by the board of education sufficient to protect the public schools from loss and the treasurer shall be relieved from all liability for such moneys so deposited, until the same are drawn out by him.

Sec. 18. All resignations of trustees shall be made to the board of education, subject to their approval and acceptance. The board shall have power to fill any vacancy that may occur in their number, either by the removal of any trustee from the ward in which he was elected or otherwise until the next annual election.

Resignations
and vacancies.

Sec. 19. The board of education shall have power to agree with all persons interested in private property as to the compensation to be paid for taking or using the same for the public use or benefit by such board, and in case no agreement can be entered into the board shall report the fact to the council, together with the description of the property necessary to be taken, and the purpose for which it is to be used, and thereupon the council may direct the city attorney to institute the necessary proceedings to condemn such property, as provided in this act for taking private property for public use.

Private prop-
erty taken for
public use.

Sec. 20. Every resolution or proceeding of said board of education whereby any liability or debt may be created or originating the disposal or expenditure of property or money, shall, before it takes effect, be presented by the secretary of said board to the mayor of the city of West Bay City. If the mayor approve thereof, he shall thereon write his approval, with the date thereof, and sign the same, and thereupon such resolution or proceeding shall go into effect; and such as he shall not so approve and sign he shall return to the board with his objections thereto in writing under cover, sealed and addressed to said board. If the mayor shall neglect to approve as aforesaid any resolution or proceeding, or return the same as aforesaid with his objection within five days after the same shall have been presented to him by the secretary as before provided, the same shall go into effect. Upon the return, as aforesaid, of any proceeding, the board receiving such matter with the objections of the mayor may proceed to reconsider the vote by which the same was passed and adopted, and if after such reconsideration two-thirds of all members elected

Resolutions,
etc., to be ap-
proved by
mayor.

In case of neg-
lect of mayor to
sign.

to said board shall agree by ayes and nays, which shall be entered of record, to pass or adopt the same, it shall go into effect. The secretary shall, at the time of presenting any resolution or proceeding to the mayor, make a certificate in which he shall specify the day on which the same was so presented, and such certificate shall be reported to the said board and recorded in the proceedings of said board.

CHAPTER XXXIV.

MISCELLANEOUS.

City not to become owner.

SECTION 1. Said city shall not become the owner or holder of stock or shares in any incorporated company.

Publication, etc., to be prima facie evidence.

SEC. 2. When by the provisions of this act, notice of any matter or proceeding is required to be published or posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was inserted, or by some person in his employ knowing the facts, if such notice was required to be made by publication or by the person posting the same, when required to be by posting shall be *prima facie* evidence of the facts therein contained: *Provided*, The same shall be filed with the city clerk within six months from the date of the last publication thereof, or of posting the same.

Proviso.

Licenses.

SEC. 3. All licenses heretofore granted shall be and remain in full force and virtue until the expiration of the time for which they were granted.

When land or premises are platted, proceedings.

SEC. 4. No lands or premises shall hereafter be laid out, divided and platted into lots, streets or alleys, within said city, except by permission and approval of the council, by resolution passed for that purpose; nor until the proprietor shall file with the city clerk a correct survey, plan and map of such grounds and subdivisions thereof, platted and subdivided as approved by the council, and made to their satisfaction; showing also the relative position and location of such lots, streets and alleys with respect to the adjacent lots and streets of the city; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in the office of register of deeds of Bay county until a certificate is endorsed thereon by the city clerk, under the seal of the city showing that such plat and dedication has been approved by the council; nor shall the city by reason of such approval be responsible for the improvement, care and repairs of such streets and alleys excepting such as the council shall accept and confirm by ordinance or resolution as in this act provided.

Council may issue bonds to pay judgment.

SEC. 5. Whenever any judgment or decree of any court shall be rendered or decreed against the city, and the city shall be unable to meet the payment of such judgment or

decree by reason of the limitation of its powers of taxation; then, and in such case, it shall be lawful for the council to issue the bonds of the city to an amount not exceeding the sum of such judgment or decree, and the taxed costs arising in the procuring of such judgment or decree, together with the interest thereon which bond may be made payable at such times and place, and at such rate of interest not exceeding six per cent per annum, as shall be prescribed by the council and such bonds shall be sold and disposed of at not less than par value, in such manner as may be deemed advisable by said council.

SEC. 6. The council or the mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer of whom a bond or instrument in writing may be required under the provisions of this act, shall examine into the sufficiency of such sureties and shall require them to submit to an examination under oath as to their property. Such oath may be administered by the mayor or any alderman of said city. The deposition of the surety shall be reduced to writing, be signed by him, certified by the person taking the same, and annexed to and filed with the bond or instrument in writing to which it relates.

Sureties on bonds.

SEC. 7. The mayor or chairman of any committee or special committee of the council shall have power to administer an oath or take an affidavit in respect to any matter pending before the council or such committee.

When mayor, etc., may administer oath of office.

SEC. 8. Any person who may be required to take an oath or affirmation under or by virtue of any provision of this act, who shall under such oath or affirmation in any statement, or affidavit, or otherwise, wilfully swear falsely as to any material fact or matter, shall be guilty of perjury.

Perjury.

SEC. 9. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law.

Who to recover double costs.

SEC. 10. All process issued against said city, shall run against said city, in the corporate name thereof, and such process shall be served by leaving a true and attested copy of such process with the mayor, or clerk of said city, at least twenty days before the day of appearance mentioned therein, or at such time and manner as may be provided by law.

How process to run against city.

SEC. 11. The style of all ordinances shall be, "Be it ordained by the city of West Bay City." All ordinances shall require for their passage the concurrence of a majority of all the aldermen elected.

Style.

Appropriation
of money to
private use.

SEC. 12. If any officer of the corporation shall, directly or indirectly, and knowingly, appropriate or convert any of the moneys, securities, evidences of value or any property whatsoever, belonging to the corporation, or any board thereof, to his own use, or shall directly or indirectly, and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value or property may have been appropriated, raised, or received, or to any purpose not authorized by law, he shall be deemed guilty of wilful and corrupt malfeasance in office, and may be prosecuted, tried, and convicted therefor, and, on conviction, may be punished by fine not exceeding one thousand dollars, or by imprisonment in the State prison for a period not exceeding three years, or both, in the discretion of the court.

Penalty.

Council to con-
tract with bank
for safe-keep-
ing of money.

SEC. 13. The council shall have power to contract with any bank, banks, banker or bankers, in said city, for the safe keeping of the public moneys belonging to, or in the custody of said city, and for the payment of interest thereon, at a rate not exceeding that established by law, upon such moneys of the corporation or in its custody, deposited with such bank, banks, banker, or bankers, and to be drawn on account current from such bank, banks, banker, or bankers, by said city, or proper officer thereof, and such interest shall belong, and be credited to the contingent fund of said city. And the council may, by ordinance, or otherwise, make such rules and regulations and prescribe such conditions relative to the letting of said contract, and drawing upon said moneys so deposited, and the securities to be given by such bank, banks, banker, or bankers, for the moneys so deposited, as to said council may seem just, and for the best interests and security of said city.

Council to
make rules.

Who deemed
disorderly
persons.

SEC. 14. All persons being habitual drunkards, destitute and without visible means of support or who, being such habitual drunkards, shall abandon, neglect, or refuse to aid in the support of their families, being complained of by such families; all able bodied and sturdy beggars, who shall apply for alms, or solicit charity; all persons wandering abroad, lodging in watch houses, out-houses, market places, sheds, stables or uninhabited dwellings, or in the open air, and not giving a good account of themselves; all common brawlers and disturbers of the public quiet; all persons wandering abroad and begging, or who go abroad from door to door, or place themselves in streets, highways, or passages, or other public places, or beg or receive alms within the said city, shall be deemed vagrants, and may, upon conviction before any justice of the peace of said city, be sentenced to confinement in the county jail, or city penitentiary, for any time not exceeding sixty days.

SEC. 15. No property, supplies, or other article of whatever name or nature, shall be purchased for, or in behalf of the city, unless ordered by a vote of the council, or with the written consent of the mayor, or city clerk; the city clerk shall keep a record of all property purchased for the city, and shall charge the same to the officer, or department for whom the same was purchased, and receiving the same, and shall report annually, to the council, on the last last Monday in March, a detailed list, or statement of all such property, or supplies so purchased, and to whom delivered. It shall also be the duty of each and every officer, or employé of the city, to make a report annually, in writing, on the last Monday in March, and as much oftener as the council demands, of all property or effects in his hands belonging to the city, which several reports shall be referred to a committee of the council for examination. Any officer, or employé of the city who shall fail or neglect to make the reports provided in this section shall be deemed guilty of a misdemeanor, and may be prosecuted, tried, and convicted thereof, according to law.

No property to be purchased for city without vote of council.

Officers to report to council.

SEC. 16. Any person arrested by virtue of any process issuing from any court of justice in said city, or by authority of any officer of said city, may be confined in the city penitentiary, in the same manner as prisoners are, or may be detained in the jail of Bay county; and any laws of this State prohibiting escapes, aiding prisoners to escape, or any other act detrimental to the safety of prisoners in a county jail, shall apply to said prison: *Provided*, That the council, or mayor of said city, may, at any time, direct any or all such prisoners to be removed from said penitentiary to the jail of the county of Bay: *And provided also*, Such prisoners, or any of them, may, at any time, in the first instance, be confined in the said county jail, whenever the same may be deemed necessary by the council; and the keeper of said jail or penitentiary shall be allowed such compensation for keeping and providing for prisoners confined therein, as the council may determine to be just and reasonable, not exceeding the amount allowed by the supervisors of Bay county for county prisoners.

Person arrested may be confined in city penitentiary.

Proviso.

SEC. 17. All the suits which may be brought to recover any penalty or forfeiture for the violation of any ordinance of the council, shall be brought in the name of the city of West Bay City, under the direction of the council, or of the attorney of said city; and no person being an inhabitant, freeman, or freeholder of said city, shall be disqualified for that cause from acting as judge, justice, or juror in the trial or other proceeding, in any suit brought to recover a forfeiture or penalty for the violation of this provision of this act, or for the violation of any ordinance of the council, nor for serving any process or summoning a jury in suit, or from acting in any such capacity, or being a witness on the trial

Suits to be brought in the name of the city of West Bay City.

of any issue, or upon taking or making any inquisition or assessment, or any judicial investigation of the facts, to which issue, inquest, or investigation the said city or ward officer is a party, or in which said city or officer is interested; nor shall any judge of any court be disqualified to hear and adjudicate on an appeal in any matter originating in said city because he is an inhabitant thereof.

Judgment may
be removed
from justice to
circuit court.

SEC. 18. If any judgment in any action shall be rendered against the city by any justice of the peace such judgment may be removed by appeal to the circuit court for the county of Bay in the same manner and with the same effect as though the city were a natural person, except that no [bonds] bond or recognizance to the adverse party shall be necessary to be executed by or on behalf of said city.

Execution.

SEC. 19. Every execution for any penalty or forfeiture recovered for the violation of any provision of this act, or for the violation of any by-law or ordinance of the said city, may be immediately issued on the rendition of the judgment, and shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the county jail or city penitentiary, for such time as shall have been directed by the ordinance of the council.

How certain
moneys to be
expended.

SEC. 20. The council may direct any moneys that may have been recovered for penalties or forfeitures to be applied to the payment of any extra expense that may have been incurred in apprehending offenders or in subpoenaing or defraying the expenses of witnesses in any suits for such penalties or forfeitures, or in conducting such suits.

Expenses of
apprehending
offenders, etc.
to be paid by
board of super-
visors

SEC. 21. The expenses of apprehending, examining, and committing offenders against any law of this State, in said city, and of their confinement, shall be audited, allowed, and paid by the supervisors of the county of Bay, in the same manner as if such expenses had been incurred in any town of said county.

Council to have
control of
boards.

SEC. 22. Whenever the council shall deem it for the best interest of the city, and necessary to properly carry into effect any of the provisions of this act, it may, by ordinance, create or abolish such board or boards as it shall consider expedient, delegating in said ordinance to such board or boards such powers and duties at it shall think proper.

Building in-
spectors to be
appointed.

SEC. 23. It shall be the duty of the mayor, by and with the consent of the council of West Bay City, on or before the first day of May in each year, to appoint in and for said city, three competent mechanics, builders or architects, to be known as the board of building inspectors of said city, who shall hold and execute the duties of their offices until their successors shall be appointed and enter upon the duties of their offices; and whose duty it shall be to make inspections of buildings and structures within said city, and perform

and exercise the powers and duties of building inspectors as provided by the general laws of this State. (Act forty-one P. A. eighteen hundred and eighty-one, and amendments thereto.) Each building inspector shall be entitled to receive for each day he shall be actually employed in inspecting any building under the provisions of this act, to be paid by the owner or person requesting such inspection and examination, such sum as may be fixed by the council. Compensation.

This act is ordered to take immediate effect.

Approved May 26, 1897.

[No. 443.]

AN ACT to provide for the construction of a drain in the township of Au Gres, Arenac county, from Duck lake to Au Gres river and authorizing the board of control of State swamp lands to make an appropriation of State swamp lands for said purpose.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of constructing a drain in the township of Au Gres, Arenac county, from Duck lake to Au Gres river, a distance of about two and one-half miles, for the purpose of drainage and the benefit of the public health, the board of control of State swamp lands be and is hereby authorized and empowered to appropriate not to exceed ten sections of State swamp lands, not otherwise appropriated. When drain constructed.
Appropriation of swamp lands.

SEC. 2. The board of control of State swamp lands is hereby authorized to cause an examination of said improvement, and if in their judgment, after such examination said improvement is necessary and for the benefit of the public health, said board is hereby empowered to cause the same to be made and to appropriate not to exceed ten sections of State swamp lands therefor as contemplated in section one of this act. And said lands shall be selected within sixty days after this act takes effect, and no swamp land script shall issue therefor, and said lands shall be taken from the market for the purposes of this act and shall be used for no other purpose. Idem.

This act is ordered to take immediate effect.

This act became a law without the approval of the Governor on May 26, 1897.

[No. 444.]

AN ACT to set aside a part of fractional school district number one of the townships of Shelby and Sterling, in the county of Macomb and make a new district thereof.

Description of
detached part.

SECTION 1. *The People of the State of Michigan enact*, That sections one (1) and twelve (12), the east three-quarters of section two (2) and the northeast quarter and east half of the northwest quarter of section eleven (11) of the township of Sterling, in the county of Macomb, the same being township two north, of range twelve east, be and the same is hereby detached and set off from fractional school district number one (1) of the townships of Shelby and Sterling, in the county of Macomb, and formed into a new school district, to be known as school district number ten (10), of the township of Sterling, in the county of Macomb.

Organisation
and election of
officers.

SEC. 2. Said school district number ten (10) of the township of Sterling, in the county of Macomb, constituted as described in the preceding section, shall be organized and officers elected therein as provided in the general school laws of the State for the organization of new school districts, and the notice therein required to be given by the clerk of the board of school inspectors, shall be given by the township clerk of the township of Sterling, the same as though the district were formed by the township board of school inspectors.

This act is ordered to take immediate effect.

Approved May 28, 1897.

[445.]

AN ACT to amend section four of chapter two; sections one, three, five, six, and ten of chapter three; sections three, four, five and nine of chapter five; sections five and six of chapter six; section eighteen of chapter seven; sections one, two, three and four of chapter eight; sections two, four, seven, ten, fifteen, eighteen and nineteen of chapter nine; sections four, five and ten of chapter twelve; sections one, two, four, nine, sixteen, nineteen, twenty-two, and twenty-five of chapter fourteen; sections one, six and seven of chapter fifteen; section five of chapter sixteen; sections six, seven, fourteen and thirty-one of chapter seventeen; of act number three hundred and ninety of the local acts of eighteen hundred and eighty-five entitled, "An act to amend and revise the charter of the city of Port Huron," approved June seventeenth, eighteen hundred and eighty five and the amendments thereto and to add a new chapter thereto to stand as chapter twenty-one.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four of chapter two; sections one, three, five, six and ten of chapter three; sections three, four, five and nine of

chapter five; sections five and six of chapter six; section eighteen of chapter seven; sections one, two, three and four of chapter eight; sections two, four, seven, ten, fifteen, eighteen and nineteen of chapter nine; sections four, five and ten of chapter twelve; sections one, two, four, nine, sixteen, nineteen, twenty-two and twenty-five of chapter fourteen; sections one, six and seven of chapter fifteen; section five of chapter sixteen; sections six, seven, fourteen and thirty-one of chapter seventeen; of act number three hundred ninety of the local acts of eighteen hundred eighty-five, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeenth, eighteen hundred and eighty-five, and the amendments thereto, be and the same are hereby amended and that there be added thereto a new chapter to stand as chapter twenty-one, said amended sections and said added chapter to read as follows:

CHAPTER II.

SEC. 4. No person shall be elected or appointed to or shall hold any office under this act who shall not be, at the time of his election or appointment, and so long as he shall hold such office, a resident elector of said city: *Provided*, That the city engineer may be a non-resident at the time of his appointment but shall become a resident before entering upon the duties of his office. And no person shall be elected or appointed to or shall hold office for any ward of said city who at the time of his election or appointment, and so long as he shall hold such office, shall not be a resident elector of the ward from or for which he may be elected or appointed. If any person elected or appointed to any office of the corporation shall cease to be a resident of the city, or of the ward for which he may have been elected or appointed, such office shall thereby be vacated.

Officers must
be resident
electors.

Exception as
to city engineer.

When officers
cease to be
residents.

CHAPTER III.

SECTION 1. The registration of voters shall be had and made in accordance with the general laws of the State of Michigan in force at the time of such registration: *Provided*, That the time for holding such registration shall be on the second Saturday next preceding the time of holding the election, except as to the years when under the provisions of this section, a general re-registration shall be made, in which said years of general re-registration the time for holding such registration shall be on the second Thursday, Friday and Saturday next preceding the time of holding the election. A general re-registration shall be made in the year nineteen hundred and every four years thereafter in time for the general charter

Registration of
voters.

Re-registration.

- election of that year, and such re-registration shall be according to the general laws of this State then in force, except as to the time, which is herein otherwise provided. In case of the absence or inability of either of the aldermen of the ward to serve on the board of registration the common council shall designate an elector or electors of said ward to fill such vacancies. The boards of registration shall be in session in their respective wards at such places as shall be designated by the common council from eight o'clock in the forenoon until eight o'clock in the afternoon of said days: *Provided*, That in the years of general re-registration it shall not be necessary for said board to remain in session later than five o'clock in the afternoon of the first two days of registration.
- When board to be in session.** SEC. 3. The annual city election shall be held on the first Tuesday after the first Monday in November of each year, and each officer, except those elected to fill vacancies, shall assume the duties of the office to which he is elected on the first Monday in January following, except the city treasurer, who shall assume the duties of his office on the first Monday in April following. Each ward shall be an election district and such election shall be held at such place in each ward as the common council shall designate, and every elector shall vote in the ward in which he resides, and the residence of an elector under this act shall be the ward in which he lodges: *Provided*, That the common council shall have power to designate and define the boundaries of two election districts in any of the wards in said city if the number of votes in such ward shall exceed four hundred (400) in number, such number to be determined by the number of votes cast at the last preceding election. In case of two election districts being established in any of the wards of said city it shall be the duty of the common council to appoint the necessary boards of registration and boards of election inspectors and provide for the holding of election in such districts.
- Election, when.**
- Election districts.**
- When two or more election districts.**
- Election inspectors.** SEC. 5. The aldermen of each ward and two other persons to be designated by the common council and who shall be residents of the ward for which they are appointed, shall be the inspectors of election in their respective wards: *Provided*, Not more than two of said inspectors shall be members of the same political party: *And provided further*, That one of said inspectors shall perform the duties of clerk at such election. The alderman whose term of office shall soonest expire shall be chairman, and in case of the absence of any of the inspectors at the time for the opening of the polls the vacancy or vacancies shall be filled by the electors present, who shall elect one of their number *vive voce* to fill such vacancy, and the person so elected shall take the constitutional oath of office before entering upon his duties. The common council of said city at the time of the designating of said inspectors shall also appoint four qualified electors
- Board of canvassers.**

of said city to act as a board of canvassers, not more than two of whom shall be of the same political party, whose duty it shall be to meet at the council room on the Thursday next succeeding the election, at two o'clock in the afternoon, and to proceed to open and canvass the returns certified to the city clerk as provided in section ten of this chapter, and to declare the result of the election. . Each member of said board of canvassers shall be entitled to receive as compensation for such services a sum not to exceed four dollars per day. Compensation.

SEC. 6. The inspectors in each ward before the opening of the polls shall appoint a competent clerk of the election, who shall take the same oath as the inspectors, which oath either of said inspectors may administer, and he, together with the inspector designated for such purpose, shall perform the duties of clerks of said election. Said inspectors shall also at the same time appoint a gatekeeper, who shall perform all the duties required of gatekeepers under the general laws of the State relating to elections. Inspectors to appoint clerk and gatekeeper.

SEC. 10. Immediately after the closing of the polls the inspectors of election shall proceed to publicly canvass the votes received by them and declare the result, and they shall immediately and before adjournment certify a full and true return thereof under their hands to the city clerk, carefully sealed up; they shall also deposit the poll lists and ballots and a copy of said return, certified under their hands, in the ballot box and shall cause the said ballot box to be carefully sealed up and delivered to the city clerk immediately after their adjournment. Canvass to be public.

CHAPTER V.

SEC. 3. Any officer holding office by appointment may be removed at any time by the common council by a vote of two-thirds of the aldermen elect after charges filed and an opportunity being given to be heard in his defense. Appointed officers, removed how.

SEC. 4. Any officer holding office by election, except the mayor, by the electors of said city against whom charges may be preferred, may be suspended from office by a majority vote of all the aldermen elect until such charges shall be heard and determined, and any officer holding office by appointment may be similarly suspended temporarily from his office; in the event of such suspension it shall be the duty of the common council to proceed to a hearing of such charges on or before the next regular meeting of the common council, and to determine the matter at such meeting, at which time by a vote of two-thirds of the aldermen elect such officer may be removed from his office or suspended for a certain period, and unless such officer shall be so suspended or removed, he shall be entitled to resume the duties of his office and receive pay with like effect as though he had not been suspended. Elected officers may be suspended.

Officers may
be expelled,
how and for
what.

Must be given
opportunity for
defense.

Non-appear-
ance as
witness.

Mayor may
suspend
officer.

Suspension to
be reported to
council.

Suspended
officer to be
heard.

When charges
not sustained.

SEC. 5. The common council may expel or remove from office any of its members or any other officer holding office by election by the electors of the city except the mayor, for corrupt and wilful misfeasance or malfeasance in office or for the wilful neglect of the duties of his office by a vote of two-thirds of the aldermen elect, and in such case the reason for such expulsion or removal shall be entered on the records of the common council with the names and votes of the members voting on the question. No officer shall be expelled or removed by said council unless first furnished with a copy of the charges in writing and allowed to be heard in his defense with the aid of counsel, and for the purpose hereof the mayor and also the common council shall have power to issue subpoenas to compel the attendance of witnesses and the production of papers when necessary, and except in case of suspension as provided in section four, the council shall proceed within ten days after service of a copy of the charges, unless such meeting shall be adjourned to a time not exceeding thirty days in all, and then at such adjourned meeting to hear and determine upon the merits of the case. If such officer shall neglect to appear and answer to such charges, his default shall be deemed good cause for his removal. Any person or persons refusing to comply with the requirements of any subpoena issued under this section shall be liable to a fine not to exceed fifty (\$50.00) dollars or imprisonment in the county jail not to exceed sixty days on conviction of such refusal or neglect before any justice of the peace of said city.

SEC. 9. The mayor shall have the power to suspend from office any appointed officer under this act for any misfeasance or malfeasance in office or wilful neglect on the part of the person so suspended to perform the duties of his office; such order of suspension shall be in writing, and shall be accompanied with the reasons therefor. In case of any such suspension, it shall be the duty of the mayor to report the fact of such suspension to the common council at its next regular meeting together with the reasons therefor. The common council shall at such meeting or at the next regular meeting thereafter, proceed to hear and determine the merits of the charges so preferred. The person so removed shall have a right to be heard in his defense with the aid of counsel if he so desires, and if after hearing upon such charges the common council shall so determine by a vote of two-thirds of the members elect, such officer shall be removed from his office and the person or body appointing him shall proceed to appoint his successor; in the event of such charges not being sustained by a vote of two-thirds of the members elect of said common council, the person so suspended shall be immediately restored to his position and he shall be entitled to receive the same pay for the period during which he was suspended as if no suspension had been made.

CHAPTER VI.

SEC. 5. The city clerk shall keep the corporate seal, and all papers filed in or pertaining to his office, and shall be clerk of the common council, shall attend its meetings, and shall make and preserve a written record of all its ordinances, resolutions and other proceedings in proper books to be provided therefor, and when requested shall duly certify under the corporate seal copies thereof, and all papers filed in his office pertaining to the same. He shall issue all licenses and receive the fees for the same and as clerk of the board of cemetery trustees shall receive all moneys paid for lots, burial permits, care of lots and such other moneys as the board by resolution may authorize him to receive. He shall turn over to the city treasurer on or before the fifth of each month all moneys so received by him accompanied by a statement showing to what funds such moneys are to be credited and shall send a similar statement to the council and to the city controller. He, or such other person as may be designated by the common council, shall be sealer of weights and measures, and shall possess and exercise the powers of township clerks, and shall perform such other duties as the common council may prescribe by ordinances or otherwise. Within ten days after his election and qualification and in case of a vacancy in the office of deputy clerk, by and with the consent of the common council, he shall appoint some qualified person as deputy clerk, who shall in case of the absence or inability or death of the city clerk, perform the duties of the office of the city clerk, which appointment shall be in writing and filed in the office of the city clerk.

City clerk,
powers and
duties of.

May appoint
deputy clerk.

SEC. 6. The treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the corporation and every board or officer thereof, except as hereinafter provided. He shall receive all moneys belonging to and receivable by the corporation except as hereinbefore provided in section five of this chapter, and shall keep an accurate account of all receipts and expenditures thereof. For all moneys received by him except for general or special taxes, he shall give duplicate receipts, one to the party paying such money, the other to the city controller, specifying the purpose for which such money was paid and the fund to which it properly belongs; he shall pay no money out of the treasury except on a warrant signed by the controller, which shall specify the purpose for which the amount thereof is to be paid, except that on the first day of March in each year, or within ten days thereafter he shall pay over to the county treasurer the amount of all State and county taxes collected by him. He shall keep an accurate account of and be charged with all taxes and moneys appropriated,

City treasurer,
duties of.

To give dupli-
cate receipts.

To be charged
with moneys.

Books open to inspection.

To collect all taxes.

Deputy treasurers.

raised or received for each fund of the corporation; shall keep a separate account for each fund and shall pay every warrant out of the particular fund constituted or raised for the purpose for which such warrant was issued and which shall have the name of such fund endorsed thereon by the controller. He shall keep an accurate account and report to the common council at the end of each quarter commencing August first, eighteen hundred and ninety-one, a detailed statement of all taxes collected and money received as well as money disbursed. He shall make a monthly detailed statement to the controller of the amount received and credited by him to each fund, and on what account received, and shall also, when required, exhibit a general statement showing the financial condition of the treasury, which account, report and statement shall be filed in the office of the controller. The treasurer shall keep an office where the books and accounts in his charge, belonging to the city, shall be open to the inspection of any tax payer of said city at reasonable hours in any week day, and when any bonds, coupons and warrants, the place of payment of which is not otherwise designated, shall be presented for payment, the treasurer shall not discriminate as to parties holding bonds, coupons, warrants or other lawful demands. The city treasurer shall collect all the State and county taxes assessed and imposed upon the real and personal property of said city, and also all city, highway, sewer and school taxes, and all such special taxes as may from time to time be levied by the common council for the improvement of streets, the construction of sidewalks or any other purpose authorized by this act or the laws of the State, as may be placed in his hands for collection by the controller or other proper officer of said city; and the warrant of the controller of said city shall confer full power and authority upon said treasurer and his deputies to collect, by levy and sale, all the taxes set forth upon any copy or transcript of any general or special roll so placed in his hands, the same as warrants made by the supervisors of townships under the laws of this State, and such treasurer shall have all the powers to enforce collections of said taxes as is conferred upon township treasurers by the general laws of the State, shall give receipts for all taxes collected by him and mark the same paid upon the proper rolls. He shall, at the regular meeting of the common council on the first Monday in December in each year, send to the common council for confirmation, the names of four residents and electors of the city, to act as deputy treasurers. Said deputies, when confirmed, shall enter upon their duties at such time as directed by the treasurer; they shall hold office not to exceed ninety days, and shall file bonds as hereinafter provided, and their compensation shall be fixed and determined by the common council in such manner as the common council may determine. Their duties shall be the

collection of delinquent taxes, either general or special, and such deputies shall have all the power and authority of the city treasurer so far as relates to the collection of taxes. All percentages and fees collected by them shall be paid over to the city treasurer, and by him placed in the contingent fund of the city: *Provided*, That the treasurer may at any time appoint one or more deputies to assist him in performing the duties of his office, and such deputies shall, when appointed, be vested with all the powers of the city treasurer, and shall receive such compensation therefor as may be allowed by the common council.

CHAPTER VII.

SEC. 18. The common council shall have the power to provide for the erection of one or more bridges across Black river in said city and to provide for the erection and building, and to erect, build and maintain bridges across said Black river, at any and all points and places where the streets now laid out and platted, or which shall be hereafter laid out and platted in said city, intersect or abut upon said river, so as to intersect and make a continuation of such roads and highways as now are or may hereafter be laid out, or the right of way therefor conveyed for highway purposes, in the township of Port Huron in said county, to said Black river on the westerly side thereof: *Provided*, That no contract shall be entered into for the construction of a bridge across said river at any point connecting said city with the township of Port Huron without the concurring vote of two-thirds of the aldermen elect. Said common council shall also have power to erect, repair and regulate the public wharves and docks at the ends of streets, and may advertise for proposals and lease to the highest bidder such wharves and wharfing privileges, upon such terms and conditions, and under such covenants as the common council may direct, but no building shall be erected thereon without the consent of the council, and said common council may reject any and all proposals to lease. No lease thereof shall be executed for a longer period than five years, and such lease may be cancelled by the common council, and possession taken of such wharves and wharfing privileges upon breach of any of the conditions of the lease.

Erection of
bridges.

Proviso as to
vote of alder-
men.

Wharves and
docks.

Lease of docks,
term.

CHAPTER VIII.

SECTION 1. The board of estimates shall consist of one member to be elected biennially on the general city ticket and one member from each ward, who shall be elected annually, and who shall hold his office for one year and until his

Board of esti-
mates; of
whom to
consist.

Proviso as to
present mem-
bers.

Mayor to be
member of
board.

Qualifications.

Ex officio
members.

Annual meet-
ing of board.

What estimates
to be submitted
to board.

successor shall be elected and qualified: *Provided*, That the members of the board of estimates already elected in said city shall hold their respective offices until the expiration of the term for which they were elected. No successors shall be elected to the members of said board whose terms shall expire on the first day of January, eighteen hundred and ninety-eight. The mayor shall be *ex officio* a member and president of said board, and in his absence the acting mayor shall be entitled to a seat at the sessions of said board with the same powers and duties as if the mayor were personally present. The several provisions of this act relating to the election of the mayor and aldermen shall be applicable to and regulate the election of said board of estimates.

SEC. 2. All members of said board shall be electors of said city, and shall before entering upon the discharge of their duties, take and subscribe and file in the office of the city clerk the oath of office prescribed by this act. Each member of said board shall receive the sum of one dollar for each meeting of said board attended by him: *Provided*, No compensation shall be had for adjourned meetings except when considering the annual estimates. The controller, chairman of the committee on ways and means of the council, and the chairman of the committee on finance of the board of education shall be *ex officio* members of the board of estimates, but shall not have the right to vote.

SEC. 3. A meeting of said board shall be held annually on the second Monday in January at the common council chamber, and at such other times as the common council may by ordinance or resolution prescribe, and said board may adjourn its meetings from time to time. Said board shall elect one of its members vice-president, who shall in the absence of the mayor preside at all meetings of the board and shall hold his office until the next election of new members; and if both are absent or incapacitated from performing such duties the board may elect a president *pro tempore*.

SEC. 4. Before any money shall be raised or taxes levied and collected for the purposes of the several funds mentioned in this act, except in interest and sinking funds, the estimates of the common council and of the board of education of the amount of moneys required for such fund or purposes, shall be submitted to said board of estimates for approval, and before any bonds or other evidences of indebtedness, except as authorized by section ten chapter fifteen of this charter, shall be issued by the city or any board thereof, said issue shall be authorized by said board of estimates. The estimates for the general city taxes shall be acted upon by the common council as provided by this act, and shall be submitted to the board of estimates on or before the first Monday in May, to be considered by the board and reported by it to the common council on or before two weeks from the time of their submission

to said board of estimates. Said board shall carefully consider all estimates hereby required by this act to be submitted to it of moneys to be raised as aforesaid, and shall approve or disapprove of the same. It may decrease the amount to be raised, but shall not increase the same, and may authorize, subject to the provisions of this act, the issue of bonds by said city or the boards thereof. A majority of all the members elect of said board shall be required to approve of any such estimates for the raising of taxes, or any part thereof, or to authorize the issue of any bond.

Approval of
majority
required.

CHAPTER IX.

SEC. 2. There shall be elected by the common council at their first regular meeting after this act takes effect, one member of the board of education for each of the several wards of the city of Port Huron. The terms of office of such member shall be so arranged that two shall expire on the first Monday in May eighteen hundred and ninety-eight and two on the first Monday in May in each and every year thereafter: *Provided*, That members of said board appointed under this act shall continue to hold their respective offices until their successors are elected and qualified. At the time of the appointment of such members by the common council there shall also be appointed by the mayor of said city two members at large, the term of office of one of such appointees shall expire on the first Monday in May eighteen hundred and ninety-eight and the other member on the first Monday of May nineteen hundred. On the first Monday in May, eighteen hundred and ninety-eight, and in each year thereafter the said common council shall appoint two members of said board to succeed the members whose term of office shall expire on that date, and the mayor of said city shall also appoint from time to time one member of said board to succeed the member at large whose term of office shall expire and who shall, except in case of appointment to fill vacancy, continue to hold his office for the term of four years. All vacancies existing in said board shall be filled in the manner hereinabove provided, and a person appointed to fill vacancy shall continue to hold office to the expiration of the term of the person whom he was appointed to succeed and until his successor shall be elected and qualified. On the appointment of members of said board in accordance with the provisions of this section the terms of all of the members of the board of education as heretofore existing shall immediately cease and the members so appointed shall be and are hereby vested and clothed with all the powers, duties and obligations heretofore vested in the board of education by said city.

Board of educa-
tion.

Members at
large.

Vacancies, how
filled.

SEC. 4. A majority of all the members of said board shall constitute a quorum and the said board shall meet from time

Quorum.

Regular meetings, monthly.

Mayor to be president.

Statement of money to carry on schools to be delivered to controller.

Estimates to show what money required for.

Board may borrow money; conditions.

Limit of reduction of estimates.

Yearly assessment of school tax.

to time at the place hereinafter designated. A regular meeting of said board shall be held at least once in each and every month at such time as shall be designated by the rules and regulations of the board. The mayor shall be *ex officio* president of said board and said board may elect one of their number vice-president and in the absence of the mayor or his inability to perform the duties of his office, the vice-president shall be vested with all the powers possessed by the president of said board. Said board may also elect one of their own number president *pro tempore* to act at any meeting from which both president and vice-president are absent.

SEC. 7. The board of education shall on or before the first Monday in April in each year deliver to the city controller an estimate of the amount of money necessary to carry on the schools under the charge of said board for the next ensuing school year, which said estimate shall include all the ordinary expenses of running said schools and caring for the school houses, buildings and other property belonging to the board and interest on temporary loans made by the board. The said estimates shall show the purpose for which said money is required and it shall be the duty of the board of education to furnish to the said controller such information as may be desired for the purpose of enabling him to present the same together with the estimates to the common council for their consideration. The said board of education is also authorized to borrow money in anticipation of the revenue to be derived from sums authorized to be levied for the current fiscal year as provided by this act, but no evidence of indebtedness issued under the provisions of this section shall be for a longer period than nine months or at a greater rate of interest than seven per cent per annum. It shall be the duty of the controller to present the said estimates to the common council at the same time that the common council are considering the annual estimates for general city purposes and in the case of the approval of such estimates by the common council, the said estimates or so much thereof as may be approved by the common council, shall be submitted to the board of estimates by the common council at the same time the estimates for the annual city taxes are submitted: *Provided*, That the amount of said estimates shall not be reduced by the said common council or the said board of estimates below a sum equal to four dollars for each and every child in said city between the ages of five and twenty years, the number of children to be ascertained and determined by the last report on the subject on file in the office of the clerk of St. Clair county or of the city clerk of the city of Port Huron.

SEC. 10. The common council of said city of Port Huron are hereby authorized and directed once in each year to assess, levy and collect a tax on all real and personal property in said city according to the city assessment rolls of that

year, for school purposes, which said amounts shall not be less than four dollars nor to exceed five dollars for each and every child in said city between the ages of five and twenty years; the number of such children to be ascertained and determined as provided in section seven of this chapter. And the said taxes shall be collected in the same manner as the moneys raised to defray the general expenses of the city. All such moneys shall be disbursed by authority of said board for the maintenance and support of said schools and for no other purpose.

Limit of tax.

Collection.

Disbursement.

SEC. 15. The children of non-residents of the city may be permitted to attend the public schools upon paying such tuition and complying with such rules and regulations as may be prescribed by the board of education: *Provided*, That no such children or persons shall be permitted to attend the public schools to the exclusion of resident children.

Non-resident children may attend school; conditions.

SEC. 18. The city clerk shall be the clerk of the board of education, and shall keep a complete record of all the proceedings of the board in his office. It shall be his duty to keep a correct account of all the expenditures of said board, and he shall on the day following a meeting of the board deliver to the city controller a list of claims audited and ordered paid at such meeting, and the controller shall therefor draw his warrant on the treasurer for the amount, and in the absence of the clerk at any of the meetings of the board, they may appoint a clerk *pro tempore*.

City clerk to be clerk of board of education.

List of claims allowed to be furnished to controller.

SEC. 19. The board of education may provide for furnishing and maintaining free text books for use in the public schools of the city, the expense thereof to be borne by general taxation. In the event of the board of education adopting the free text book system, the common council with the approval of the board of estimates and on the request of said board of education, is hereby authorized to levy and collect a tax sufficient to provide the necessary amount for such purpose, in addition to the other taxes permitted by this charter to be raised for school purposes.

Free text books.

CHAPTER XII.

SEC. 4. Said board shall appoint one of their members, chairman, and the city clerk shall be clerk of the board and said board shall be and is hereby vested with such power and authority as shall be necessary for the care, management and preservation of such cemetery grounds, the tombs and monuments therein and the appurtenances thereof.

Chairman and clerk.

SEC. 5. Said board, subject to the ordinances of the common council shall have the care and management of any such cemetery or burying place or places and shall direct the improvements and embellishments of the grounds. They

Who to have care and management of cemetery.

Price of lots.
who fixed by.

shall cause such grounds to be laid out in lots, avenues and walks, the lots to be numbered and the avenues and walks to be named. All plats made thereof shall be recorded in the office of the city clerk, and it shall be the duty of the city engineer to make such surveys as may be required of him by such board. Said board shall fix the price of the lots and make the sale thereof. The conveyance of such lots shall be executed on behalf of the city by the city clerk and shall be recorded in his office without expense to the purchaser.

Superintendent and employees; salaries of.

SEC. 10. Said board shall appoint the necessary superintendent and employees for the cemetery. The salaries of all employees including superintendent, when fixed by said board shall be submitted to the common council of said city for approval, and the funds of the said board shall be under the control, care and management of such board. And it shall be the duty of the city controller, upon the order of said board, to draw warrants upon the city treasurer (who shall be *ex officio* treasurer of said board) for such sums as he may be from time to time directed by said board: *Provided*, That no warrant shall be drawn on the fund known as the "Cemetery Improvement Fund" without the authority of the common council. It shall be unlawful for the said board to contract any indebtedness in excess of the amounts contained in the cemetery fund and all contracts or agreements made by said board incurring an obligation in excess of the amount in said fund shall be void.

When indebtedness not to be incurred.

CHAPTER XIV.

Police justice;
when elected.

SECTION 1. At the general charter election held in the year one thousand eight hundred and ninety-eight and every fourth year thereafter, there shall be elected in said city one justice of the peace, who shall be known as police justice, whose term of office shall commence on the first day of January next following his election and continue for four years, and until his successor shall be elected and qualified. He shall be elected on the general city ticket in the manner herein provided for the election of other city officers, and none but attorneys at law duly admitted to practice in the Supreme Court of this State, and of at least two years' good standing shall be eligible to the said office of justice of the peace in said city. And there shall be elected at the annual election in the year nineteen hundred, and every fourth year thereafter, one justice of the peace for the term of four years, to be known as assistant police justice, who shall be an attorney and counsellor at law, and who shall exercise, in case of the absence from his office or in case of the death or disability of the police justice, all duties of police justice.

Must be an
attorney.

Assistant
police justice.

SEC. 2. Said police justice and said assistant police justice shall have the exclusive jurisdiction to hear, try and determine all charges for offences and misdemeanors alleged to have been committed within the city, and which by the general laws of the State are within the jurisdiction of justices of the peace. They shall also have exclusive jurisdiction to hear and examine all charges for crimes alleged to have been committed within the city of Port Huron, and which by the general laws of the State are examinable by and before a justice of the peace, and to hold to bail, or commit for trial in the circuit court for the county of St. Clair. They shall also have concurrent jurisdiction with other justices of the peace of the county of St. Clair, as to all crimes, offences and misdemeanors, when alleged to have been committed without the city, but within the county of St. Clair.

Exclusive
jurisdiction.

Concurrent
jurisdiction.

SEC. 4. Said justices of the peace shall have sole and exclusive jurisdiction to hear, try and determine in a summary manner, and without the aid of a jury, all charges for violation of city ordinances; and all persons convicted by or before either of them of a violation of a city ordinance may be by him fined or imprisoned, or both, according to the terms of the ordinance, and if a fine shall be imposed, it shall be with the costs of prosecution if the ordinance so provide; and an appeal may be taken in the circuit court, as in civil cases and such imprisonment may be in St. Clair county jail, or in the city jail.

To try viola-
tions of ordin-
ances.

SEC. 9. Prosecutions under the ordinances of the city shall be commenced and carried on in the name of "The People of the State of Michigan," and the practice in such cases shall (except as herein otherwise provided) be the same as near as may be as in criminal cases cognizable by justices of the peace in townships.

Style of prose-
cutions.

SEC. 16. Before any civil action or proceeding, except proceedings in garnishment, shall be commenced in said justice's court there shall be filed with such justice by the party commencing such action, a precept for the writ desired to be issued and the party commencing such proceeding shall at the same time pay or cause to be paid to the clerk, the sum of one dollar, and before the trial of any such action or proceeding shall be commenced the further sum of one dollar shall be paid to said clerk by the party bringing such action, but in cases of non-suit no judgment fee shall be required. If more than one day is occupied in the trial of any case, there shall be paid to the clerk the sum of one dollar additional for each and every day or part of a day so occupied. Whenever after disclosure filed in garnishment a summons to show cause shall be desired, the party desiring such summons shall pay or cause to be paid to the clerk of said court the sum of twenty-five cents and before the trial of the issue under such summons to show cause shall be commenced, the

Fees prelimin-
ary to suit.

- further sum of twenty-five cents shall be paid by the party prosecuting such action. The amounts herein provided to be paid shall be in lieu of all other justice's fees and no process shall be issued out of said court until the provisions of this section have been complied with. Security for costs may be required as under the general laws of the State.
- Security for costs.** SEC. 19. Said police justice shall receive an annual salary of not less than one thousand dollars and not more than fifteen hundred dollars, and the said assistant police justice shall receive an annual salary of not less than four hundred dollars. Said salary shall be paid monthly by warrants drawn by the controller on the city treasurer: *Provided*, That the total amount paid for salaries to both said justices shall not exceed the sum of two thousand dollars per annum.
- Salaries; justice and assistant.** SEC. 22. Process may be signed in blank in civil cases and left with said clerk and may be issued by him on proper application or showing, and said clerk is authorized to administer oaths in all cases whenever an oath is required. Said clerk shall also have authority, in the absence of said justices of the peace, to approve such bonds as require approval in said court. Process signed in blank, as aforesaid, shall have the same force and effect as if filled by said justice: *Provided*, That no process shall be issued by said clerk until the fees therefor shall have been first paid and the precipe filed as required in section sixteen.
- Clerk may issue process, when.** SEC. 25. Said police justice shall have his court room open and he shall be in attendance at such court room for the performance of such duties as may be required of him at least from eight-thirty o'clock in the morning until eleven-thirty o'clock and from one-thirty to four-thirty in the afternoon of each day except Sundays and legal holidays; and the said clerk's office shall be open continuously from eight-thirty o'clock a. m. until four-thirty o'clock p. m. of each and every day except Sundays and legal holidays and except during the hours between eleven-thirty a. m. and one p. m.
- Justice court to be open, when.**

CHAPTER XV.

- City funds; how divided.** SECTION 1. The revenues and moneys of the corporation shall be divided into the following funds, viz:
- General.** *First*, General fund, to defray the expenses of the city of Port Huron for the payment of which out of some other fund no provision herein is made;
- Contingent.** *Second*, Contingent fund, to defray the contingent expenses of said city and pay judgments and claims for damages against said city;
- Interest.** *Third*, Interest fund, to pay the interest on the funded debt of the city;
- Sinking.** *Fourth*, Sinking fund, to pay the funded debt of said city;

Fifth, Police fund, to defray the expenses of the police force of said city, including the erection of station houses and other buildings for the force; Police.

Sixth, Water fund, to defray the expenses of obtaining grounds erecting buildings, purchasing machinery, obtaining rights of way, laying mains and constructing, repairing and maintaining the water works of said city; Water.

Seventh, Fire department fund, to defray the expenses of maintaining the fire department of said city, including the maintenance and repairs of public hydrants and the erection of engine houses and other buildings for the use of said fire department; Fire department.

Eighth, Educational fund, to defray the expenses of maintaining the public schools of said city, and of obtaining grounds, erecting and repairing school buildings; Educational.

Ninth, Sewer fund, to defray the expenses of constructing, repairing and maintaining the city's portion of sewers, and of constructing and maintaining receiving or catch basins and manholes and putting in street and alley connections, and for the construction of sewers for surface drainage when in the opinion of the common council they are necessary for the public health and cannot equitably be made a charge on private property; Sewer.

Tenth, Street opening fund, to defray the expenses of opening, widening, altering and vacating streets, highways and alleys in said city, and not for working or grading streets; Street opening.

Eleventh, General road fund, to defray the expenses of repairing paved streets, of grading, paving, planking, graveling, claying, macadamizing or otherwise improving street intersections and the highways, streets and alleys in said city in front of or adjacent to the property of the corporation; General road.

Twelfth, Ward road fund, for each ward in the city, to defray the expenses of grading, working, repairing, cleaning and improving the highways, streets and alleys in the several wards in said city and of the building of culverts and cross walks in said city; Ward road.

Thirteenth, Public building fund, for purchasing real estate for the erection thereon of public buildings and to defray the expenses of erecting, repairing and maintaining such public buildings as the common council is authorized to erect, and as are not otherwise provided for; Public building.

Fourteenth, Bridge fund, to defray the expenses of erecting, repairing and maintaining the bridges in said city; Bridge.

Fifteenth, Park fund, to defray the expenses of beautifying and caring for the public parks of said city, and for the purchase of grounds for parks; Park.

Sixteenth, Cemetery fund, to defray the costs and expenses of obtaining one or more cemeteries and to defray the costs and expenses of beautifying and adorning, keeping, maintain- Cemetery.

	ing and caring for the cemeteries of the city, either within or without the city;
Public lighting.	<i>Seventeenth</i> , Public lighting fund, to provide for the purchase, erection and maintaining of a lighting plant and to defray the costs and expenses of lighting the city;
Salary.	<i>Eighteenth</i> , Salary fund, to pay the salaries of the various city officers except as herein otherwise provided;
Public improvement.	<i>Nineteenth</i> , Public improvement fund, to defray the costs and expenses of the improvements mentioned in the first and third subdivisions of section one, chapter seventeen of this act, into which fund the proceeds of all the special assessments therein specified shall be placed, together with such other amounts as may from year to year be appropriated by general tax;
Repaving.	<i>Twentieth</i> , Repaving fund, to defray the expenses of repaving streets in the city;
Street cleaning.	<i>Twenty-first</i> , Street cleaning fund, to defray the [cost] costs and expense of cleaning the paved streets of the city;
Police life and health insurance.	<i>Twenty-second</i> , Police life and health insurance fund, the moneys placed in said fund to be applied in accordance with chapter twenty-two, section seven of this act;
Special purposes.	<i>Twenty-third</i> , Such other funds as the common council may constitute for special purposes.
Council may provide money by borrowing for certain funds.	SEC. 6. The common council shall, with the approval of the board of estimates, also have the power to provide money for the water fund, the sewer fund, the educational fund, the public building fund, the general road fund, the bridge fund, the public lighting fund, the park fund, the public improvement fund, the repaving fund, the street opening fund and the contingent fund, by borrowing upon the faith and credit of the city, and upon the best terms that can be made, such sums of money as shall be deemed necessary and expedient and to issue the bonds of the city therefor, and the common council shall have power to provide money by borrowing upon the faith and credit of the city to pay the present bonded indebtedness of the city or of the board of education or any part thereof, whether due or not, and to issue bonds therefor or said bonds may be issued by the common council for the purpose of refunding said bonded indebtedness and exchanging for the present outstanding bonds of the city or board of education; but said bonds shall not be negotiated at less than their par value or bear interest to exceed six per cent per annum: <i>Provided</i> , That the gross debt of the city, not including the public improvement bonds and bonds for the payment of which special assessments are levied, shall not exceed ten per cent of the assessed value of the real and personal property in said city and any indebtedness issued or created in excess thereof shall be null and void except as hereinafter otherwise provided: <i>And provided further</i> , That no bond shall be issued to provide money for the
Gross debt not to exceed ten per cent of assessed valuation.	
Proviso as to contingent fund.	

contingent fund except such sums as may be necessary to provide for the payment of obligations existing in the way of judgments against the city or for the purpose of compromising claims to prevent litigation when authorized by a two-thirds vote of the aldermen elect, and when any such bonds are issued the amount of money so raised shall not be used for any other purpose: *And provided further*, That the common council shall not have power to authorize or order the issuance of any bond or borrow any money for the public lighting fund until the question of the issuance of said bonds and the borrowing of money for such purpose shall have been submitted to and approved by a majority of the electors of the city of Port Huron voting thereon.

Proviso as to
public lighting
fund.

SEC. 7. Bonds issued under the preceding section shall be respectively denominated water bonds, sewer bonds, school bonds, public building bonds, general road bonds, bridge bonds, public lighting bonds, park bonds, public improvement bonds, repaving bonds, street opening bonds, and contingent bonds, and in case issued to provide money for the payment of the present bonded indebtedness they shall be denominated refunding bonds. Said bonds shall be regularly dated and numbered in the order of their issue and shall be for not less than one hundred dollars each and shall be payable in not less than one and not more than thirty years from their date, and shall be issued under the seal of the corporation, signed by the mayor and clerk and countersigned by the controller. The controller shall keep an accurate record of said bonds and of the class of indebtedness to which they belong, the number, date and amount of each bond, its rate of interest, when and where the same is payable, and the person to whom it is issued. The proceeds of said bonds shall be paid into the city treasury and be credited to the fund for which the bonds were issued and applied to the purposes contemplated [by] in this act.

Bonds to designate for what
issued.

Amount and
time.

Duty of controller.

Disposition of
proceeds.

CHAPTER XVI.

SEC. 5. The board of review shall consist of the controller, city assessors and three resident electors of said city, no two of whom shall be from one ward, and only two of whom shall reside on the same side of Black river, to be appointed by the mayor subject to the approval of the common council on or before the third Monday in March in each year. The members of said board of review so appointed shall receive a compensation not to exceed three dollars per day for the time they are so employed. The said board of review shall meet at the common council room in said city on the first Monday in April of each year and continue in session from day to day, until all [of] such assessment rolls have been fully

Board of
review.

Compensation.

When to meet.

Powers of board.	and carefully reviewed, corrected and approved, which shall be on or before the second Monday in April: <i>Provided</i> , That the common council shall have the power to extend the time not exceeding three days. The board shall have power and it shall be its duty to amend and correct any assessment or valuation and to place upon the assessment roll of the proper ward, any taxable property, real or personal, not already assessed, held or owned by any person or persons and to strike from said roll any property, real or personal, wrongfully thereon. Any person considering themselves aggrieved by reason of any assessment may complain thereof, either verbally or in writing before said board, and on sufficient cause being shown by the affidavit of such person, or oral proof or other evidence to the satisfaction of such board it shall review the assessment complained of and may alter or correct the same as to the person charged thereby, the property described therein and the estimated value thereof, and may increase or diminish any assessment, it may see fit. The concurrence of a majority of the board shall be sufficient to decide any question of altering or correcting any assessment complained of. The board, or a majority of them, having completed the review and correction of said assessment roll, shall sign and return the same to the common council at a meeting of said council to be held on the evening of the third Monday in April. The board shall elect one of their own members as chairman and the city clerk shall be the clerk of said board. It shall be the duty of such clerk to keep a record of all the proceedings of said board in a book provided for that purpose, to make regular entries of all resolutions and decisions on all questions, to record the vote of each member of said board on any question submitted to the board if required by any member present, and to file and preserve all petitions, affidavits and other written documents presented to the board. No assessment shall be changed in any way except by a motion or resolution regularly put and adopted by a majority of the members of said board, which motion or resolution shall state the amount at which the assessment is fixed as reviewed by said board. Each day's proceedings of said board shall be read, approved and signed by the chairman thereof.
Rights of aggrieved persons.	
Roll to be signed and returned to council.	
Chairman.	
Assessments, how changed.	

CHAPTER XVII.

Assessment roll, how divided and collected.

SEC. 6. After the completion of said roll the city engineer shall add thereto four columns, which shall be respectively designated as part one, part two, part three, and part four. He shall then carry out opposite each description of land in each of the columns herein designated one-fourth of the total assessment against such description of land, and said parts

two, three and four shall not be collected until the expiration of one, two and three years respectively from the confirmation of such assessment roll; but interest shall be paid by the owner or occupant of the property assessed upon such parts at the rate of seven per cent per annum, payable annually: *Provided*, That any person may pay any part or the whole of the assessment made against any of the property owned or occupied by or assessed to such person previous to the time when such parts can be collected: *Provided*, That the common council shall have the power to cause to be added to such roll, not more than eight columns and it shall be the duty of the city engineer to add to such roll as many columns in excess of four and not exceeding in all eight as he shall be directed so to do by the common council. He shall, in such event, carry out opposite each description of land in each of said columns herein designated an amount equal to the total amount assessed against such description of land divided by the total number of columns added to such roll. Part one of said roll shall be payable immediately after the confirmation of the same as herein provided and part two of said roll shall not be collected until the expiration of one year from the confirmation of such roll and one of each succeeding parts shall be payable annually; interest shall be paid by the owner or occupant of the property assessed upon all parts at the rate of seven per cent per annum payable annually: *Provided*, That any person may pay any part or the whole of the assessment made against any of the property owned or occupied by or assessed to such person, previous to the time when such parts can be collected.

Interest.

Powers of common council.

When assessments payable.

Assessments may be paid before due.

SEC. 7. When the assessment roll is thus completed the city engineer except as otherwise provided, shall give notice by at least two weekly publications in the official newspaper of the city, that such assessment has been completed, and will remain in the city engineer's office ten days from the first publication of said notice, for the inspection of all concerned, during which time any person interested may file with the city engineer, in writing, such objections as they may wish to make to such assessment roll. At the expiration of the said ten days the city engineer, after any needed revision or correction of said roll, shall affix a certificate thereto setting forth that he has included in said assessment roll all the real estate in the assessment district, as fixed by the common council, together with the name of each owner or occupant of each lot, tract or parcel of land so far as he could ascertain the same; that he has assessed upon each description of land its proportion of the amount directed to be raised by the common council. If a sewer assessment, that the same has been apportioned according to the benefits resulting to each lot, tract or parcel of land, taking into account

Notice by publication.

Objections may be filed.

Certificate of engineer.

the area of the same. If an assessment for paving, grading, planking, graveling, claying or macadamizing the streets, lanes, alleys, highways or avenues or improving the same by a combination of any of said methods, or for sidewalk purposes, that the same has been apportioned according to the number of feet of such lot, tract or parcel of land fronting or abutting on or adjacent to the street, lane, alley, highway or avenue so to be improved, and that he has assessed to the city its proportion of the cost and expense of such work or improvement according to the provisions of this act, and shall thereupon report it to the common council with such objections as have been filed thereto. The common council shall review said roll, and consider the objections and may refer the said roll back to the engineer for further revision, or correction, and when satisfied with the same, it shall by resolution confirm the same. From and after such confirmation, the assessments in said roll shall constitute a lien until paid, upon said lots or parcels of land and a personal charge against the owner or owners thereof, and the city clerk shall add to said roll a certified copy of the resolution confirming the same.

Roll to be reviewed by council.

Assessment to constitute lien.

Special assessments in street opening cases.

When assessments payable.

Proceedings to enforce payment.

SEC. 14. In all cases where awards for damages have been made by reason of the opening of any street in said city under the provisions of this charter, the common council of the city of Port Huron, after having determined the benefits arising to property by reason of the opening of such street within said city may direct the city engineer to make out a special assessment roll for the purpose of collecting the amount of benefits so determined by said council; such roll shall be made out as near as may be in the same form as special assessment rolls for the construction of sewers and pavements, the first column containing the amount of benefits determined by the common council and four subsequent columns containing each one-fourth of said amount, which said amount shall be payable one-fourth on the approval of said roll or within such time thereafter as the common council shall determine, one-fourth in one year from such time, one-fourth in two years and one-fourth in three years, provided that upon the parts payable in one, two and three years interest shall be paid at a rate not to exceed seven per cent. The proceedings to enforce the collection of the amounts appearing on such roll shall be the same as those provided in this chapter for the collection of sewer and paving rolls. In all cases of special assessments for whatever purpose, the assessment shall be a lien upon the property assessed from and after the time of the confirmation of the assessment roll, and the failure on the part of the council or other officers to comply with the provisions [of] this chapter in attaching certificates and copies of resolutions thereto shall not invalidate such roll nor prevent or delay the proceedings taken to collect the same.

SEC. 31. Whenever there shall be a return made of assessments uncollected upon any special assessment roll, or any part thereof provided for in this act, or in any ordinance of said city, it shall be the duty of the controller of said city to levy the sums therein mentioned together with interest thereon up to the time when such levy is made upon the respective lots and premises, to which they are specially assessed, and against the persons chargeable therewith as a tax in the tax roll of the ward, in which the property is located, in a column for special assessments and thereupon the amount so levied in said ward tax roll, shall be collected and enforced with the other taxes in the ward tax roll at the same time, and in the same manner, and with like penalty; and in case of the return of the amount thereof as unpaid it shall thenceforth bear the same interest as provided by the general laws of this State in case of delinquent taxes.

When special assessments not paid.

To be levied in ward tax roll.

CHAPTER XXI.

SECTION 1. At a regular meeting of the common council held on the first Monday in May eighteen hundred and ninety-seven or in case of failure to make appointment at that time, then at any subsequent meeting of the common council, the mayor shall appoint three citizens of the city of Port Huron who shall constitute the Port Huron Library commission. They shall hold office for one, two and three years respectively, and until their successors are appointed and qualified. Annually thereafter one commissioner shall be appointed who shall hold office for three years and until his successor is appointed and qualified.

Library commission, how appointed.

Term of office.

SEC. 2. Such commissioners shall serve without compensation and shall have in charge the care, custody, control and management of the public library of the city of Port Huron, and shall be clothed with all the powers of management and control thereof heretofore vested in the Port Huron library commission. Such commission shall make annual reports to the common council of the condition of the library and its funds and shall, if requested by the common council, make such report at shorter intervals.

To serve without compensation.

To make annual reports.

SEC. 3. The common council of the city of Port Huron in their annual estimates, shall make provision for a library fund which shall not be less than two-fifths of one mill on the dollar on property assessed for city purposes, and the amount so provided shall be levied and collected each year in the same manner and at the same time as other city taxes. The funds above provided shall be disbursed only on the order of the library commission and it shall be the duty of the controller to draw warrants upon said fund upon the order of said commission, and it shall be the duty of the

Library fund.

Disbursed how.

Vacancy, how filled.

city treasurer who shall be *ex officio* treasurer of said commission, to pay such warrants.

SEC. 4. In case of a vacancy in the membership of said library commission, the vacancy shall be filled in the same manner as is herein provided for the appointment of members of said commission, and the person appointed to fill such vacancy shall continue in office until the expiration of the time for which the member whom he succeeds was appointed and until his successor is appointed and qualified.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 446.]

AN ACT to amend section one of chapter eleven and sections four and eight of chapter twenty-seven of act number four hundred and thirty-four of the session laws of eighteen hundred and ninety-five, entitled "An act to incorporate the city of Three Rivers and to repeal act number one hundred and sixty-one of the session laws of eighteen hundred and fifty-five, entitled 'An act to incorporate the village of Three Rivers,' approved February thirteenth, eighteen hundred and fifty-five and all amendments thereto."

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter eleven and sections four and eight of chapter twenty-seven, of act number four hundred and thirty-four of the session laws of eighteen hundred and ninety-five, entitled "An act to incorporate the city of Three Rivers and to repeal act number one hundred and sixty-one of the session laws of eighteen hundred and fifty-five, entitled 'An act to incorporate the village of Three Rivers,' approved February thirteenth, eighteen hundred and fifty-five and all amendments thereto," be amended so as to read as follows:

CHAPTER XI.

What general powers conferred.

SECTION 1. The city shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, viz:

Vice and immorality.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order and to protect

the property of the corporation, and of its inhabitants and of any association, public or private corporation or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

Second, To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards, and persons found drunk in any of the public streets or places in the city, disorderly persons, persons conducting themselves in a disorderly manner in any of the public streets or places in the city and common prostitutes;

Vagrants,
drunkards.

Third, To prevent injury or annoyance from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to promote or cause disease; to prevent and abate any nuisances, and to punish them occasioning them, or neglecting or refusing to abate, discontinue or remove same, and generally to determine and declare what shall be deemed nuisances;

Nuisances.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

Disorderly and
gaming houses.

Fifth, To regulate or license the use of billiard tables, nine or ten pin alleys or tables and ball alleys;

Billiard tables.

Sixth, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

Gaming.

Seventh, To prohibit and prevent the selling or giving of any spirituous fermented or intoxicating liquors to any drunkard or intemperate person, minor or apprentice, and to punish any person for so doing;

Liquors.

Eighth, To regulate, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historic, literary or scientific subjects excepted;

Sports, exhibi-
tions, lectures.

Ninth, To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose; and to require all places of business be closed on the Sabbath day;

Sabbath day;
public meet-
ings.

Tenth, To license auctioneers, auctions and sales at auctions; to license, regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to license, regulate or prohibit the sale of goods, wares, property or anything at auction, or by any manner of public biddings or offers by the buyers or seller after the manner of auction sales, and to license the same, and to regulate the fees to be paid by and

Auctions;
auctioneers.

	to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;
Hawkers, peddlers.	<i>Eleventh</i> , To license hawkers, peddlers and pawnbrokers, and hawking and peddling and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing, by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device in or upon the streets, highways, alleys, sidewalks or in or upon the wharves, docks, or from boats, open places or spaces, public grounds or buildings in the city;
Saloons, taverns.	<i>Twelfth</i> , To suppress saloons for the sale of spirituous and intoxicating liquors, and to prescribe the location of such saloons, or the limits or districts within the city, within which such saloons may be kept; and to license taverns and eating houses;
Vehicles and bicycles.	<i>Thirteenth</i> , To license all vehicles of every kind, used for the transportation of persons or property for hire, in the city and to prohibit or regulate the riding of bicycles upon or along any of the sidewalks within the corporate limits of the city;
Toll bridges.	<i>Fourteenth</i> , To regulate and license all toll bridges within the city, and to prescribe the rates and charges for passage over same;
Meats and provisions.	<i>Fifteenth</i> , To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions;
Merchandise, weighing and measuring of.	<i>Sixteenth</i> , To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay and any article of merchandise;
Weights and measures; inspection of.	<i>Seventeenth</i> , To provide for the inspection and sealing of weights and measures and to enforce the keeping and use of proper weights and measures by vendors;
Vaults, cisterns.	<i>Eighteenth</i> , To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters;
Indecency; books, pictures, shows.	<i>Nineteenth</i> , To prohibit and prevent, in the streets or elsewhere in the city, indecent exposure of the person, the show, sale or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind;
Bathing.	<i>Twentieth</i> , To regulate or prohibit bathing in the rivers, ponds, streams and waters of the city;
Clearing of water-courses.	<i>Twenty-first</i> , To provide for clearing the rivers, ponds and streams of the city, and the races connected therewith, of all the driftwood and noxious matter; to provide and prevent the depositing therein any filth or other matter tending to render the waters thereof impure, unwholesome and offensive;
Nauseous or unwholesome shop.	<i>Twenty-second</i> , To compel the owner or occupant of any grocery, tallow chandler shop, soap or candle factory, butcher shop or stall, slaughter house, stable, barn, privy, sewer, or

other offensive, nauseous or unwholesome place or house to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of said city;

Twenty-third, To regulate the keeping, selling and using of gunpowder, firecrackers and fireworks, and other combustible materials, and the exhibition of fireworks, and the discharge of fire arms, and to restrain the making or lighting of fires in the streets and other open spaces in the city; Gunpowder.
fireworks.

Twenty-fourth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies, to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair same or to cause the same to be done by some proper officer of the corporation and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon; Construction of
cellars, drains.

Twenty-fifth, To prohibit, prevent and suppress mock auctions, and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing or attempting to manage, use or practice the same, and all persons aiding in the management or practice thereof; Fraudulent
games and
devices.

Twenty-sixth, To prohibit, prevent and suppress all lotteries for the drawing or disposing of money or any other property whatsoever and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, directing or managing the same; Lotteries.

Twenty-seventh, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat or railroad, also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles and vehicles of every other description used and employed for hire and to fix and regulate the amounts and rates of their compensation; Hotel runners,
hackmen,
draymen.

Twenty-eighth, To provide for the protection and care of paupers and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon said city, and to punish therefor; Paupers.

Twenty-ninth, To provide for taking a census of the inhabitants of the city, whenever the council shall see fit; and to direct and regulate the same; Census.

Thirtieth, To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses and to regulate and prevent the running at large of dogs, to require them to be muzzled and to authorize the killing of all dogs not licensed, or running at large in violation of any ordinance of the city; Dogs; licensing
of.

Thirty-first, To prohibit and punish the use of toy pistols, sling shots and other dangerous toys or implements within said city; Toy pistols.

- Horses, mules.** *Thirty-second,* To require any horses, mules or other animals attached to any vehicle or standing in any of the streets, lanes or alleys in the city to be securely fastened, hitched, watched or held; and to regulate the placing and provide for the preservation of hitching posts;
- Numbering of buildings.** *Thirty-third,* To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants to affix numbers on the same; and to designate and change the names of public streets, alleys and parks;
- Fountains; watering troughs.** *Thirty-fourth,* To provide for, establish, regulate and preserve all such public fountains and reservoirs within the city as in the opinion of the council the convenience of the inhabitants may require; and also such troughs and basins for watering animals as they may deem proper;
- Street railways.** *Thirty-fifth,* To prevent or provide for the construction and operation of street railways and to regulate the same and to determine and designate the route and grade of any street railway to be laid or constructed in said city;
- Good order of city.** *Thirty-sixth,* The council shall further have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever.
- Exclusive privileges not to be granted.**

CHAPTER XXVII.

- Council to determine what amount shall be borrowed.** **SEC. 4.** In case the city shall at any time as in this act provided decide to purchase or construct and equip an electric or other lighting plant, the council shall determine by resolution what portion of the amount that the city may at any such time borrow under the preceding section they will appropriate towards the expense of said plant; and if the amount the council shall so decide to appropriate shall not be sufficient to pay the sum authorized to be raised for the purpose of such plant the council may borrow and issue the bonds of the city therefor such additional sum of money not exceeding twelve thousand dollars as shall be necessary to make up the balance of the sum authorized to be borrowed for the purchase or construction and equipment of such lighting plant, and further, the city of Three Rivers is hereby authorized and empowered to borrow not exceeding fifty thousand dollars on the faith and credit of said city and issue its bonds therefor to be used in making public improvements, including the construction and erection of public buildings in said city to be used in said city, as the
- May borrow for public improvements.**

council may determine, and also for the purchase and improvement of grounds for parks and for the purchase of sites for such public buildings: *Provided*, The council of said city by a two-thirds vote shall first determine so to do: *And provided further*, That a majority of the freehold electors of said city voting on the question of such loan as provided in the next succeeding section shall be in the affirmative. If such loan shall be authorized by a majority of said freehold electors such bonds may issue in such sums not exceeding in all the amount hereinbefore limited and payable at such times as the council of said city may direct, subject to the limitation as to time specified in section eight of this chapter, and the moneys arising therefrom shall be expended for public improvements including the purchase and improvement of park grounds and the purchase of building sites and the erection of public buildings as the council of said city shall determine; and if the county of St. Joseph should determine to remove the county seat of St. Joseph county to Three Rivers, the said city by its council is hereby authorized to make such contracts or agreements in relation to the use and disposition of any of its public improvements, grounds, buildings, electric light, water and sewers by the county as in the opinion of said council will be for the best interests of said city, and at the same time provide necessary grounds, buildings, water, light and sewer for the county. If such bonds shall be issued as hereinbefore authorized it shall be the duty of the council of said city from time to time to levy and assess such taxes upon the taxable property of said city as may be necessary to meet and pay the interest and principal of such bonds as the same become due, which taxes so necessary shall be in excess of any other taxes authorized by the provisions of the charter of Three Rivers.

Question of loan to be voted on.

If county shall determine to remove county seat.

How loan to be paid.

SEC. 8. Such bonds shall be signed by the mayor and city clerk, and shall be in sums of not less than one hundred dollars and payable not exceeding twenty-five years from the date of their issue.

Amount and term of bonds.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 447.]

AN ACT to authorize the board of education of the city of Cheboygan to borrow money and issue bonds for the purpose of paying floating indebtedness, and to provide for the payment thereof.

SECTION 1. *The People of the State of Michigan enact*, That the board of education of the city of Cheboygan is hereby authorized and empowered to borrow at its discretion a sum

Authority to borrow money

Limit of time
and interest.

of money not to exceed ten thousand dollars, on the faith and credit of the public schools of the city of Cheboygan, and issue the bonds therefor payable at a time or times not exceeding fifteen years from the date thereof, and at a rate of interest not exceeding six per cent per annum, which money shall be expended for the payment of any unfunded or floating indebtedness that there may be against said board of education or public schools of the city of Cheboygan on the first Monday of July, A. D. eighteen hundred and ninety-seven.

To provide for
payment by
tax.

SEC. 2. It shall be the duty of the said board of education and the council of the city of Cheboygan to provide by tax for the payment of the interest accruing on said bonds as it shall become due, which tax shall be in addition to and shall be levied and collected in the same manner as the taxes which said board and city council now or may hereafter be authorized to levy and collect for school purposes; and in the same manner said board of education and city council shall provide for the payment of said bonds at the maturity thereof by tax upon the taxable property of said city of Cheboygan.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 448.]

AN ACT to revise and amend act number three hundred and forty-six of the local acts of eighteen hundred and eighty-one, entitled "An act to revise an act to incorporate the city of Bay City," approved March thirtieth, eighteen hundred and eighty-one, as amended and revised by the several acts amendatory and revisionary thereof.

CHAPTER I.

INCORPORATION AND LIMITS.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That all the district of country in the county of Bay and State of Michigan embraced within the following described limits, is hereby constituted and still declared a city, by the name of Bay City; said district of country being included within the following limits, to wit: Beginning at a point in the middle of the Saginaw river, where the section line between sections fourteen and fifteen, in town fourteen north, range five east, crosses said river, thence southerly on a line between

said sections fourteen and fifteen and sections twenty-two and twenty-three to the north line of Fillmore place, according to the Carroll Park plat; thence easterly along the north line of said Fillmore place, if extended, about sixteen hundred feet to the east line of a tract of land owned by the Bay County Agricultural Society; thence southerly on said east line of said agricultural society's land about twenty-two hundred and sixty-one feet to the center line of Center avenue; thence southerly on said line, if extended, to the section line between sections twenty-three and twenty-six, in township fourteen north, range five east; thence westerly on said section line to the northeast corner of section twenty-seven, township fourteen north, range five east; thence southerly along the east line of section twenty-seven in said township, to a point where the center line of Fifteenth street, if extended east would intersect said section line; thence westerly along the center line of said Fifteenth street to the north and south quarter line of said section twenty-seven; thence southerly on said quarter line of section twenty-seven and the quarter line of section thirty-four in said township to the center of section thirty-four; thence westerly on the quarter line to the west section line of said section thirty-four; thence southerly on the section line between sections thirty-three and thirty-four to the southwest corner of section thirty-four; thence westerly on a line between section thirty-three and section four to the quarter line of said section four in township thirteen north, range five east; thence southerly on the quarter line through sections four and nine to the center of said section nine; thence westerly on the quarter line through sections nine and eight, in the said last mentioned town, to the center of Saginaw river; thence northerly and easterly upon a line passing along the center of said Saginaw river, to and through the center of the island in said river known as the Middle Ground; and thence to and along the center of said river to the place of beginning.

SEC. 2. The freemen of said city, from time to time, being inhabitants thereof, shall be and continue a body corporate and politic to be known and distinguished by the name and title of Bay City, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, answering and being answered unto, and of defending and being defended in all courts of law and equity and in all places whatsoever, and may have a common seal which they may alter and change at pleasure, and may take, hold, purchase, lease, convey and dispose of any real, personal or mixed estate for the use and benefit of said corporation.

SEC. 3. The city shall be divided into eleven wards, Division into Wards. bounded and described as follows:

First, The first ward of said city shall include all that portion of said city bounded as follows: Commencing at a point First ward.

where the center line of Third street intersects the Saginaw river, running thence east along the center line of Third street to the center line of Johnson street; thence north along the center line of Johnson street to the center line of Woodside avenue; thence easterly along the center line of Woodside avenue to its intersection with the center line of Belinda street; thence north along the center line of Belinda street to the Saginaw river; on the north and westerly by the Saginaw river;

Second ward. *Second,* The second ward shall embrace all that portion of the city lying between the center line of Third street and the center line of Center avenue, and west of the center line of Lincoln avenue to the Saginaw river;

Third ward. *Third,* The third ward of said city shall embrace all that part of said city lying between the center line of Tenth street and a line on the north commencing in the center of the Saginaw river, where the center line of Seventh street intersects the same; thence east along the center line of Seventh street to the center line of VanBuren street; thence south along the center line of Van Buren street to the center line of Eighth street; thence east along the center line of Eighth street to the center line of Lincoln avenue; thence south along the center line of Lincoln avenue to the center line of Tenth street; on the West by the Saginaw river;

Fourth ward. *Fourth,* The fourth ward of said city shall embrace all that part of said city between the center line of Tenth street and the center line of Fifteenth street, and west of the center line of Lincoln avenue to the center of the Saginaw river;

Fifth ward. *Fifth,* The fifth ward of said city shall embrace all that part of said city lying between the center line of Twenty-fifth street, if extended east to the Flint and Pere Marquette railroad, and the center line of Fifteenth street, and west of the center line of the Flint and Pere Marquette railroad right of way to the center of the Saginaw river;

Sixth ward. *Sixth,* The sixth ward of said city shall embrace all that part of said city lying south of the center line of Twenty-fifth street and north of the center line of Thirty-fourth street, and west of the center line of the Flint and Pere Marquette railroad right of way to the center of the Saginaw river;

Seventh ward. *Seventh,* The seventh ward of said city shall comprise all that part of said city lying south of the center line of Thirty-fourth street, and west of the center line of the Flint and Pere Marquette railroad right of way to the center of the Saginaw river;

Eighth ward. *Eighth,* The eighth ward of said city shall embrace all that portion of said city bounded as follows: On the north commencing at the intersection of Fifteenth and James streets; thence east on the center line of Fifteenth street to the center line of Lincoln avenue; thence north on the center line of Lincoln avenue to the center line of Twelfth street;

thence east on the center line of Twelfth street to the center line of Trumbull street, if extended southerly; thence south along the center line of Trumbull street if extended southerly, to the center line of Fifteenth street, if extended easterly; on the west by the center line of the Flint and Pere Marquette railroad right of way, and on the south and east by the city limits;

Ninth, The ninth ward of said city shall embrace all that Ninth ward. part of said city lying between the center line of Center avenue and a line on the south commencing at the center of the Saginaw river where the center line of Seventh street intersects the same; thence easterly along the center line of Seventh street to the center line of Van Buren street; thence southerly along the center line of Van Buren street to the center line of Eighth street; thence east along the center line of Eighth street to the center line of Lincoln avenue; thence north on the center line of Lincoln avenue to the center line of Center avenue; on the west by the Saginaw river;

Tenth, The tenth ward of said city shall embrace all that Tenth ward. part of said city bounded as follows: Commencing at the intersection of the city limits and Second street, if said Second street were extended east to the city limits; thence west along the center line of Second street as aforesaid to the center line of Johnson street; thence north along the center line of Johnson street to the center line of Woodside avenue; thence easterly along the center line of Woodside avenue to its intersection with the center line of Belinda street; thence northerly along the center line of Belinda street, if extended northerly, to the Saginaw river; on the north by the Saginaw river and on the east by the city limits;

Eleventh, The eleventh ward shall embrace all that Eleventh ward. portion of said city bounded as follows: On the east by the city limits; on the north by a line commencing at the intersection of the city limits and Second street, if Second street were extended east to the city limits; thence west along the center line of Second street as aforesaid, to the center line of Johnson street; thence south along the center line of Johnson street to the center line of Third street; thence west along the center line of Third street to the center line of Lincoln avenue; thence south along the center line of Lincoln avenue to the center line of Twelfth street; thence east along the center line of Twelfth street to the intersection of Twelfth and Trumbull streets; thence south along the center line of Trumbull street, if extended south, to the center line of Fifteenth street, if extended easterly; thence east along the center line of Fifteenth street, if extended easterly; to the city limits.

CHAPTER II.

ELECTIVE OFFICERS AND ELECTION OF.

Who to be
elected at
annual
election.

SEC. 4. At the first annual election after the passage of this act, and at each annual election thereafter, there shall be elected one alderman in each ward of said city by electors thereof, voting in their several wards, who shall hold his office for two years. There shall also be elected annually in each ward, by the electors thereof, one supervisor and one constable, each of whom shall hold his office for one year. Each of said supervisors shall be the supervisor of the ward for which he was elected, with all the powers of supervisors of townships in this State, and subject in all respects to the provisions of law regulating the duties of township supervisors, except as herein otherwise provided. At the annual charter election in April, eighteen hundred and ninety-eight, and every two years thereafter, there shall be elected on the general city ticket, by the qualified electors of said city, one recorder, who shall hold his office for two years; and at the annual charter election in April, eighteen hundred and ninety-nine, and every two years thereafter, there shall be elected one mayor and one treasurer, each of whom shall hold his office for the term of two years. At the annual charter election in April, nineteen hundred and one, and every four years thereafter, there shall be elected one comptroller, who shall hold his office for four years. At said first annual charter election and at every annual charter election thereafter, there shall be elected one justice of the peace, who shall hold his office for four years. Justices of the peace of said city shall have the same jurisdiction and power, perform the same duties and be subject to the same liabilities, as justices of the peace of townships in this State, except as herein otherwise provided. The term of office of said justice of the peace shall commence when elected and qualified. Each of the officers mentioned in this section shall continue in office until his successor is elected and shall have qualified. No person shall be eligible for election to, or hold the office of mayor, who is holding any judicial office or who is holding any State or county office for which a stipulated annual salary is paid or received. The treasurer shall be eligible for election twice in succession. The aldermen shall receive for their services as a full compensation the sum of two dollars for each session when actually in attendance. No person shall be eligible to any elective office who is not an elector of said city; and no person shall be eligible to any ward office who is not an elector of such ward.

Power of justices of peace.

Term of office.

Who eligible to hold office of mayor.

Treasurer eligible to election twice.

Compensation of alderman.

Who eligible to elective office.

Annual election.

SEC. 5. The annual election under this act shall be held on the first Monday in April of each year at such place in

each ward and precinct as the council may designate. Notice thereof shall be given by the recorder at least eight days before the election by publishing the same in the official newspaper of said city. The aldermen and supervisor of each ward shall be inspectors of such election, and they shall also be inspectors of the State and county elections; and they, together with the other inspectors of election provided by law, shall choose the clerk thereof. In case any such supervisor or alderman is a candidate for election to office, or is otherwise disqualified to act as such inspector, the council shall, by a majority vote of all the aldermen elect, appoint inspectors qualified to act in their stead; and in case of a vacancy on the board of election inspectors, the electors present may choose, *viva voce*, from their number at the poll, one or more to fill such vacancy or vacancies, to whom shall be administered the constitutional oath of office by either of said inspectors or any person qualified to administer oaths. The manner of conducting all elections and canvassing the votes, and the qualifications of electors in the several wards shall be the same as that provided by the general laws of this State, except as herein otherwise provided: *Provided*, That at such charter elections, the said inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for said city; and also one certificate of the number of votes given for each person for their respective ward offices and of the officers elected in their respective wards; which certificate shall be immediately filed in the office of the recorder in said city.

Notice to be published.

Inspectors of.

Manner of conducting.

Proviso.

SEC. 6. Upon the Thursday next following the day of such election the council shall meet at the council chamber and thereupon determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill the respective city and ward offices; and it shall be the duty of said recorder, immediately after such determination, to cause notice to be given to each of the persons elected, of their election, and each of said officers so elected and notified shall, within ten days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to the said recorder, who shall file the same in his office: *Provided*, That in case of the election of one or more justices of the peace, the said recorder shall make a certificate thereof, and cause it to be delivered to the county clerk in the same manner as is required of township clerks; and in case two or more shall receive for the same office an equal number and not a plurality of votes given at such election, the council shall immediately proceed to determine by lot between the persons receiving the highest number of votes, which shall be considered elected to such office. In case any of the officers elected shall neglect, for the term of ten days, to qualify, as aforesaid, the office shall thereby become vacant.

Council to determine who elected.

Recorder to notify persons elected.

Persons elected to qualify.

Proviso.

Neglect to qualify.

Elector to vote
in ward where
he resides.

Proviso.

Board of regis-
tration to meet.

No person to
vote unless
registered
anew.

SEC. 7. At all city elections, every elector shall vote in the ward where he shall have resided twenty days preceding the day of election; otherwise he may vote in the ward from which he removed: *Provided*, He shall have resided in such ward twenty days prior to such removal. The residence of any elector under this act shall be the ward where he boards or takes his regular meals.

SEC. 8. The board of registration shall meet on the first Monday of October, in the year nineteen hundred, and the said board shall make a registration of the qualified electors of each ward of said city in proper books, showing the particular and exact residence of each elector in said city, and the same rules and requirements shall be observed in such registration, in all respects, as are required by law for the registration of qualified electors in cities, and a like registration shall be made every four years thereafter. When any such re-registration shall be completed, the former registry of electors in such wards shall henceforth be deemed invalid, and shall not be used at the ensuing elections; and no person shall vote at any public election in said city after such re-registration, whose name shall not be registered anew, as provided by this section, or be afterwards properly entered on such new register, according to the provisions of law for the registration of electors. The notice of the meeting or session of the board of registration at which any re-registration is to be made, in addition to all other matters required by law to be therein stated, shall set forth that a re-registry is to be made, and that no elector whose name shall not be registered in such new register will be permitted to vote at the ensuing election. Until said registration is made in the year nineteen hundred, the present registry of electors in said city as corrected and completed according to law, shall be deemed valid and shall be used at all intervening elections.

CHAPTER III.

THE COMMON COUNCIL, ORGANIZATION, POWERS AND DUTIES OF.

Who to consti-
tute common
council.

SEC. 9. The mayor and aldermen, when assembled and organized, shall constitute the common council of Bay City; and a majority of all the aldermen elect shall be necessary to constitute a quorum for the transaction of business; but a less number may adjourn from time to time.

To determine
time and place
of meetings.

Mayor may call
special meet-
ing.

SEC. 10. The council may hold its meetings at such times and in such place as it may determine, but the mayor, or in case of his absence or inability to act, the acting mayor, may call a meeting thereof. The mayor shall, or in his absence, the acting mayor shall, on the request in writing of six aldermen, call a special meeting of the common coun-

cil at the time to be mentioned in said request, which shall not be less than twenty-four hours from the hour of its presentation to the mayor or acting mayor. A notice of such special meeting shall be given by the mayor or acting mayor by serving a copy of such request and the notice of the time and place of such meeting on each and all of the aldermen elect, by causing a copy of such request and notice to be delivered by a police officer to each alderman personally at least twelve hours before the time stated therein for such meeting. The notice of such meeting shall be signed by the mayor, or in case of his absence from the city or inability to act, by the acting mayor: *Provided, however,* That if any alderman cannot be found after diligent search by such police officer, a copy of such request and notice shall be deemed to have been sufficiently served if delivered at the last place of residence of such alderman at least six hours prior to such special meeting: *Provided, further,* That such substituted service shall not be valid unless an affidavit shall be made by such police officer and filed with the recorder, setting forth the facts herein required to make such substituted service valid.

Notice to be served.

Proviso.

Further proviso.

SEC. 11. At the first regular meeting of the council in each year after the annual election, the council shall elect one of its members president of the council, who, in the absence of the mayor, shall preside over the sessions thereof, and exercise the powers and duties of president of the council, and shall have a vote upon all questions.

Council to elect president.

SEC. 12. The council shall have power to send for and compel the attendance of any of its members, or any officer of the city, and to impose, levy and collect such fines as it may deem proper, not exceeding five dollars, for non-attendance at any meeting by any of its members or by any officer of the city.

May compel attendance.

SEC. 13. Whenever any alderman shall remain absent from the sessions of the council for a period of four successive weeks, he shall be deemed to have vacated his office, unless unavoidably absent on account of sickness or for any other reason which the council, in its discretion, may deem a good and sufficient excuse for his absence. In case of death, absence from the meetings of the council for four successive weeks without cause thereafter deemed by the council to be good and sufficient, and in case of resignation, removal from office, neglect to qualify, removal from the city or ward for which he was elected, or permanent disability to perform the duties of the office to which he was elected, of any person holding an elective office, except judicial officers, the council shall appoint some person, eligible under the charter, to serve in such office until the next annual charter election, and until his successor is elected

When office deemed vacated.

and qualified. At such annual charter election the vacancy shall be filled for the residue of the unexpired term.

Council meetings to be public.

SEC. 14. All meetings of the council shall be public, and it shall cause to be kept a printed record of its proceedings, which shall be signed by the mayor and recorder, which, with all other records of said city, shall be open to public inspection at all reasonable times.

Not to be interested in any contract of public improvement.

SEC. 15. No alderman shall be personally interested in any contract for any public improvement in said city; nor in the sale or furnishing of any labor, material, merchandise or supplies to said city or any board or official thereof. No alderman shall vote upon any question in which he has a direct personal interest. Any alderman violating any of the provisions of this section shall be guilty of a misdemeanor and may be proceeded against in the same manner as public officers generally, for like offenses under the general laws of this State, now or hereafter in force, and applicable thereto; and every alderman of said city shall be deemed an officer within the meaning and provisions of such general law of this State.

Violation of.

Council to be judge of elections.

SEC. 16. The common council shall be the judge of the election and qualifications of its own members, and of all ward and city officers, as provided in section six of this charter, and shall have the power to determine contested elections, and to determine the rules of its proceedings and pass all by-laws and rules necessary and convenient for the transaction of business, not inconsistent with the provisions of this act. The council shall also have the power, by a majority vote of all the aldermen elect, to repeal, amend, change or modify any and all existing rules thereof, and to enact and pass other rules and by-laws, and to repeal, amend, change and modify the same.

May appoint city attorney, street commissioner, city engineer.

Proviso.

May be removed.

SEC. 17. The council shall have power to appoint a city attorney, a street commissioner, a city engineer, and such other officers whose election is not especially provided for in this charter, as it may deem necessary to carry into effect the powers in said charter contained: *Provided*, That in case of a tie vote by the council on a vote of all the aldermen elect in any of such appointments, the mayor shall have a right to vote. Any person appointed to any office, whether upon the nomination of the mayor or otherwise, may be removed therefrom by the council upon a vote of two-thirds of all the members elect voting therefor. Any person holding office by election, except the mayor, recorder and justice of the peace, may be removed therefrom by the council for corrupt or wilful malfeasance or misfeasance in office, or for wilful neglect of the duties of his office, or for any violation of any of the ordinances of the council, by a two-thirds vote of all the aldermen elect. In such case the reason for removal shall be entered in the records of the council, with the names and votes of the members voting on the question.

No officer holding office by election shall be removed by the council, unless first furnished with a copy of the charges against him, in writing, and allowed to be heard in his defense with the aid of counsel. The council shall have power to issue subpoenas, under the hand of the mayor or their chairman, to compel the attendance of witnesses and the production of papers, and shall proceed within twenty days after the service of a copy of the charges to hear and determine the same. If such officer shall neglect to appear and answer such charges, his default shall be deemed good cause for removal.

SEC. 18. Every person appointed by the council shall take and subscribe the constitutional oath of office, and file the same with the recorder within ten days after such appointment. Every person so appointed shall execute an official bond or undertaking in the manner and within the time which may be prescribed by the council.

Shall take oath of office.

SEC. 19. Resignations of all officers, and of its members, and members of all boards shall be made in writing to the council and shall be subject to its approval and acceptance.

Resignations to be made in writing.

SEC. 20. The council may at any time require an officer, whether elected or appointed, except judicial officers, to execute and file with the recorder of the city, new official bonds in the same or in such further sums, and with new and such further securities as said council may deem requisite for the interests of the corporation.

New bonds.

SEC. 21. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power within said city to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they may deem desirable, within said city for the following purposes:

Council to have control of finances, buildings and property.

To enact, continue, establish, amend and repeal ordinances.

First, To provide for and preserve purity and salubrity of the waters of the Saginaw river; to prohibit and prevent the deposit therein of all filthy and other matter, tending to render said water impure, unwholesome or offensive; to preserve and regulate the navigation of said river, and other navigable waters within the limits of said city; to prohibit and to prevent the depositing or keeping therein of any structure, earth or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring, moving, shifting and mooring of vessels, and laying out of cargoes and ballasts from the same, and to appoint so many harbor masters as they may deem necessary, and to prescribe their powers, duties and compensation;

Purity of waters.

Ferries and
bridges.

Second, To license, continue and regulate so many ferries and bridges, from within said city to the opposite shore of Saginaw river, for carrying and transporting passengers and property across said river, in such manner as shall be deemed most conducive to the public good;

Wharves and
docks.

Third, To erect, repair and regulate public wharves and docks at the ends of streets, and on the property of the corporation; to regulate the erection and repair of private wharves and docks, so that they shall not extend into the Saginaw river beyond a certain line, to be established by the council, and to prohibit the encumbering of all public wharves and docks with boxes, carriages, carts, sleighs, sleds or other vehicles, dray, or anything whatsoever; to lease the wharves and wharfing privileges, at the ends of streets, upon such terms and conditions, and under such covenants, and with such remedies, in case of non-performance, as the common council may direct; but no building shall be erected thereon; no lease thereof shall be executed for a longer period than two years, and a free passage at all times for all persons and their baggage shall be maintained;

Draining of
swamp lands.

Fourth, To provide for the draining of any swamp, marsh, wet or low lands in said city, or within the distance of three miles therefrom, by the opening of ditches;

Wooden
buildings.

Fifth, To prohibit and prevent the location or construction of any wooden or frame house, store, shop or other buildings on such streets, alleys and places, or within such limits of said city as the council may from time to time prescribe; to prohibit and prevent the removal or change of location of wood or frame buildings within said limits, or from any part of said city to any lot or lots on such streets or places within said limits; to prevent the rebuilding or repairing of wooden, brick or other buildings on said streets, alleys or places, or within said limits, when decayed, out of repair, damaged by fire or otherwise. To prohibit and prevent within such places, limits or districts, in said city, as the common council may from time to time prescribe, the location of shops, the prosecution of any trade or business, the keeping of lumber yards, the storing of lumber, slabs, staves, edging, wood or other easily inflammable materials, when in the opinion of the council, the danger from fire is thereby increased; to regulate the use of lights in buildings, and generally to pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires;

Shops, lumber
yards.

Weights and
measures.

Sixth, To appoint one or more inspectors, measurers, weighers and gaugers of articles to be measured, inspected, weighed or gauged; to prescribe and regulate their powers and duties, fees and compensation;

The poor.

Seventh, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing, in vessels, or in other mode, to said city, from any other port

or place, any pauper, or other person likely to become a charge upon said city, and to punish therefor;

Eighth, To erect and provide for the erection of a city hall City hall. and all needful buildings and offices, for the use of the corporation or of its officers, and to control and regulate the same, and to purchase the necessary real estate on which to erect the same, and to purchase and sell real estate for the use of said corporation for corporate purposes, and to prohibit and punish injuries to public buildings and property;

Ninth, To prevent vice and immorality, to preserve public peace and good order, and to prevent and quell riots, disturbances and disorderly assemblages and conduct; Vice or immorality.

Tenth, To restrain and prevent disorderly and gaming houses and houses of ill fame, the holding, keeping or using of all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables or bowling alleys; Disorderly houses.

Eleventh, To license and regulate the keeping of hotels, taverns and other public houses, groceries, and the keeping of ordinary saloons, victualing and other houses, and places for furnishing meals, food or drink; to restrain, license and regulate saloons, and to regulate and prescribe the location thereof; Hotels.

Twelfth, To apprehend, restrain and punish all drunkards, vagrants, mendicants, street beggars, prostitutes, and persons soliciting alms or subscriptions for any purpose, and to punish and prevent all intoxication, and disorderly conduct; Vagrancy.

Thirteenth, To prohibit and prevent or license and regulate the public exhibition by itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind, and to revoke such license at pleasure; Public exhibitions.

Fourteenth, To declare and define what constitutes a nuisance, and to prohibit, prevent, abate and remove all nuisances within said city, and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's shop or stall, soap factory, glue factory, tannery, slaughter house, stable, privy, hog pen, sewer, or other offensive house or place, to cleanse, remove or abate the same as often as they may deem necessary for the health, comfort and convenience of the inhabitants of the city; Nuisances.

Fifteenth, To direct, regulate and prohibit the location and maintenance of all slaughter houses, markets and buildings for storing gunpowder and other combustible substances, and prohibit and regulate the buying, selling, keeping for sale, storing and transporting gunpowder, naptha, saltpeter, benzine, benzole, petroleum, kerosene oil, firecrackers, fireworks and all other combustible substances, and the using thereof, Slaughter houses.

the using of lights in barns, stables and other buildings, and the making of bonfires;

Obstruction of streets.

Sixteenth, To prevent the encumbering or obstruction of streets, sidewalks or crosswalks, lanes, alleys, bridges, wharves, or slips in any manner, or with any materials or things, of any kind or nature whatsoever, and to compel persons owning or occupying adjoining premises to keep the streets and sidewalks in front of such premises free from dirt and obstructions; to cause the removal of such obstructions or encumbrance by some city officer, and cause the expense of such removal to be assessed on the abutting property and the taxes to be levied and collected in the same manner as herein provided for the levy and collection of local taxes for special improvements, the expense of which is assessed on the property specially benefited according to the benefits derived. Any assessment so made and tax so levied shall be a lien on the lands so assessed after the assessment roll shall have been confirmed. To control, prescribe and regulate the use and enjoyment of streets, alleys, squares and other public places in the city;

Fast driving.

Seventeenth, To prevent immoderate riding or driving in any street, to compel persons to fasten or secure their horses or other animals while standing in any of the streets or alleys of the city, and to authorize the stopping and detaining of any person who shall be guilty of any immoderate riding or driving in any street, and to prevent persons from riding or driving upon or across any sidewalk, and to compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow, dirt, wood or other obstructions;

Dogs.

Eighteenth, To prevent and regulate the running at large of dogs; to impose taxes for the keeping of dogs; to require them to be muzzled and to authorize their destruction when running at large in violation of any ordinance;

Routes, etc., of railroads.

Nineteenth, To determine and designate the route and grades of any railroad or street railway now in or hereafter to be laid in said city, and to restrain and regulate the use of locomotives, engines and cars upon the railroads within the city, and to compel the owners and managers of such roads to station flagmen and to erect and maintain safety gates at street crossings, and to make such rules and regulations concerning the same as to secure the safety of the citizens;

Obscene literature.

Twentieth, To prohibit and prevent any indecent exposure of the person, the show, sale or exhibition of any indecent or obscene books, pictures or pamphlets, and all indecent or obscene exhibitions or shows of any kind, and all indecent, immoral, profane, or disorderly conduct or language, and to prohibit and regulate the bathing in any public waters within or adjoining said city;

Twenty-first, To establish, regulate and maintain one or more pounds, and to restrain and prevent or regulate the running at large of horses, cattle, swine or other animals, geese or poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding; Pounds.

Twenty-second, To prevent every species of gaming, and to prevent the violation of the Sabbath and the disturbance of any religious congregation or any other public meeting assembled for any lawful purpose; Gaming.

Twenty-third, To protect and regulate all cemeteries and grave-yards within the city, and all such without the limits of said city as such corporation may acquire, and to regulate the burial of the dead and the keeping of bills of mortality; Cemeteries.

Twenty-fourth, To prohibit the bringing or depositing within the limits of said city any dead carcasses or other unwholesome or offensive substance, and to provide for the removal and destruction thereof wheresoever found; Dead carcasses.

Twenty-fifth, To lay out, establish, make, alter and regulate market places and public parks or grounds, and regulate the measuring and selling of firewood, and the weighing and selling of hay and coal, and the selling of meats, vegetables, fish, fruits and provisions of all kinds; Market places, parks.

Twenty-sixth, To regulate the setting of awning or other posts, and to direct and regulate the planting of shade or ornamental trees in the streets and other public grounds, and to provide for the preservation of the same; Shade trees.

Twenty-seventh, To authorize and regulate the demand and receipt by officers of all fees and costs, and in such cases as the council may deem reasonable, and to prescribe, fix, determine and regulate the powers and duties of all officers of the city, subject to the provisions of this act; Fees and costs, powers and duties.

Twenty-eighth, To survey, ascertain and establish the boundaries of the city, and all highways, streets, avenues, lanes, alleys, parks, squares and spaces in said city; to prohibit and remove all encroachments or obstructions upon the same in any manner, and to number the buildings; Boundaries of city.

Twenty-ninth, To license and regulate or prohibit auctioneers, hawkers, peddlers and pawnbrokers, and to regulate auctions, hawking and pawnbrokerage; Auctioneers, hawkers.

Thirtieth, To license and regulate butchers and keepers of shops, stalls and stands, for the sale of meats, vegetables and provisions of all kinds; and to license and regulate bicycles, also all draymen, common teamsters, hackmen, and all persons who carry or transport persons or property for hire; to designate stands for all carriages, carts and drays used in carrying persons and property for hire, and to prescribe their fare and compensation; License butchers.

Thirty-first, To regulate the weights and measures used in the city; to appoint one or more sealers of weights and meas- Sealers of weights and measures.

- ures, and to prescribe the duties and powers thereof, and the penalty for using false weights and measures not conforming to the standard as established by the laws of this State;
- Taxes.** *Thirty-second,* To assess, levy and collect taxes for the purposes of the corporation upon all property made taxable by law, which taxes shall be a lien on the property until paid; to appropriate money, provide for the payment of the debts and expenses of the city, and make regulations concerning the same;
- Employment of prisoners.** *Thirty-third,* To employ all persons confined for the non-payment of any fine, penalty, forfeiture or cost of any offense under this act or any ordinance of the council, in any jail, workhouse or prison, at work or labor, either within or without the same, or upon any street or public work under the control of the council; to allow any person thus confined for the non-payment of any fine, penalty, forfeiture or costs, to pay and discharge the same by such work and labor, and to fix and value the price of such work and labor;
- To make ordinances.** *Thirty-fourth,* The council shall have power to make all such other by-laws, ordinances and regulations as they deem necessary for the safety and good government of the city, and to preserve the health, and to protect the persons and property of the inhabitants thereof;
- May purchase land for cemetery.** *Thirty-fifth,* They shall also have power to purchase, for the use of the city so much land without the limits of the city as may be required for the purpose of a cemetery, the same to be located not exceeding four miles beyond the boundary of the city;
- Fire warden.** *Thirty-sixth,* To provide for the appointment of such a number of fire wardens as they may deem necessary, and for the examination by them from time to time of the stoves, chimneys and flues, furnaces and heating apparatus, and devices in all dwellings, buildings and structures in the city, and in all places where combustible or explosive substances are kept, and to cause all such as are unsafe with respect to fire to be put in a safe condition;
- Lighting of streets.** *Thirty-seventh,* To provide for the lighting of streets and alleys, and the protection and safety of public lamps and lights;
- Cellars, drains.** *Thirty-eighth,* To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or to cause the same to be done by some proper officer of the city, and to assess the expense thereof on the lot or premises specially benefited thereby, in the manner herein provided for assessments for local improvements, and when the assessment rolls shall have been confirmed, the taxes so levied shall be a lien on the lands so assessed, and shall be collected in the same manner as herein provided for collecting taxes for such local improvements;

Thirty-ninth, To regulate the ringing of bells and the crying of goods or other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Ringing of bells.

Fortieth, To prescribe rules to govern undertakers for burying the dead, scavengers, porters and chimney sweeps, and their compensation, and the fees to be paid by them into the city treasury for licenses;

Undertakers, porters.

Forty-first, To regulate the soliciting of guests for hotels, and passengers and others to ride upon any railroad, boat, street car, omnibus or stage;

Soliciting passengers.

Forty-second, To fix and regulate the fees of jurors and witnesses in any proceedings under this act, or under any ordinance of the common council;

Fees of jurors.

Forty-third, To sell or otherwise provide for disposing of all dirt, filth, manure and cleanings, lying in or gathered from highways, streets, avenues, lanes, alleys and public places, and all earth to be removed therefrom, or from the public squares and grounds of said city in grading, paving or otherwise improving the same;

Disposition of filth.

Forty-fourth, To regulate the construction of partition fences, and of partition and parapet walls, the walls of buildings, the thickness of walls, to regulate the construction of chimneys, hearths, fire places, fire hearths, ovens, and the putting up of stoves, stove-pipes, kettles, boilers or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys, and chimney flues, to compel and regulate the cleaning thereof, and fix the fees therefor; to compel and regulate the construction of ash houses and deposits for ashes; to compel the owners of houses and other buildings to have scuttles upon the roofs thereof, and stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures except private houses, to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition; to authorize any of the officers of the city to keep away from the vicinity of fires all idle or suspicious persons, and compel all officers of the city and other persons to aid in the extinguishment of fires and the preservation of property exposed to danger therefrom;

Partition, fences, walls.

Scuttles in roofs.

Officers and others to aid at fires.

Forty-fifth, To provide for the inspection and management of stationary and portable steam boilers and steam generators, to appoint one or more inspectors of portable or stationary steam boilers or steam generators, and to prescribe and regulate their powers, duties, fees and compensation, and to license and regulate engineers and firemen of portable or stationary steam boilers or steam generators, and all action heretofore taken by the council in appointing an inspector of such boilers and in adopting an ordinance for the inspection thereof and the licensing of engineers is hereby ratified and confirmed.

Inspection of steam boilers.

Forty-sixth, To restrain and regulate laying, continuing, repairing or taking up or removing any gas pipes along and

Regulate laying, etc., of gas pipes.

- across any and all of the streets, sidewalks, lanes, alleys and public grounds in said city;
- Meetings of electors.** *Forty-seventh,* To provide for calling meetings of electors of the city;
- Weight and quality of bread.** *Forty-eighth,* To regulate the weight and quality of bread to be sold and used within the city;
- Telephone, telegraph, etc., poles.** *Forty-ninth,* To regulate or prohibit, and to prescribe the location and height of telephone, telegraph and electric light poles and wires within the limits of Bay City, and to regulate the manner of stringing wires on the same; To regulate, license, tax and prohibit the business of telephoning and conducting a telephone exchange in said city and to compel all telephone and telegraph companies to place their wires in conduits under ground, and to remove the poles, wires and apparatus of any telephone or telegraph company, in case of their refusal or neglect to comply with the provisions of any ordinance of the common council of Bay City;
- Building permits.** *Fiftieth,* To require all persons, before constructing, altering or enlarging any building or other structure within the city limits, to obtain a permit therefor; and to regulate by ordinance the terms and conditions on which such building permits shall be granted and issued;
- City markets.** *Fifty-first,* The council shall also have power whenever they deem it necessary, to cause to be constructed a city market or markets, or other necessary public buildings, to acquire by purchase the necessary lands whereon to erect the same and to appoint the necessary officers thereof, to locate the same within or without the city limits, and to make such rules and regulations concerning the same as they may deem necessary or proper. The council may provide for erecting and maintaining a city hospital with any eleemosynary or charitable association, and provide for the joint management and control thereof. No such public building shall be constructed unless the council shall order the same by a three-fourths vote of all the aldermen elect;
- City hospital.**
- Transient traders to obtain license.** *Fifty-second,* To require transient traders and dealers and itinerant merchants to obtain a license before engaging in business in said city, and to prescribe and regulate the terms and conditions of issuing such license;
- Punishment of offenders.** *Fifty-third,* To punish all offenders for violations of or offenses against this act, or any by-law or ordinance of the common council adopted and passed under this or any other act of the legislature, by holding to bail for good behavior, by imposing fines and costs, and by imprisonment in the jail of Bay County, or any jail, prison or work house of said city, or by either, in the discretion of the court or magistrate before whom such conviction may be had. If only a fine be imposed with or without costs, the offender may be sentenced to imprisonment until the payment thereof, for a term not exceeding three months. The limit and character of punishment for

offenses against the ordinances of the council shall be prescribed in the ordinance creating or specifying the offense to be punished, and no fine shall exceed three hundred dollars, and no imprisonment one year.

SEC. 22. The concurrence of a majority of all the aldermen elect shall be necessary to pass any ordinance, and no ordinance granting rights, privileges or franchises to any person or corporation shall be adopted, amended or repealed without the concurrence of two-thirds of all the aldermen elect. No ordinance when first introduced shall be acted upon at the same meeting, but shall be referred to a committee or otherwise laid over for at least one week, and shall be published with the council proceedings. No ordinance subjecting any person to fine and imprisonment shall take effect until it shall have been published at least six days in the official newspaper of said city.

Majority of aldermen necessary to pass ordinance.

SEC. 23. The style of all ordinances of the common council shall be, "It is hereby ordained by the common council of Bay City." And all prosecutions for offenses arising under this act or any ordinance or regulation of the council shall be in the name of Bay City.

Style of ordinance.

SEC. 24. All appointments to office shall be made by a majority vote of all the aldermen elect, except as provided by section seventeen of this act; and removals from office shall be made by a like vote, except in cases where, by this act, a different vote may be required.

Appointments to be made by majority.

SEC. 25. All moneys collected by the city for licenses and permits and all fines imposed for the violation of any ordinance, shall be placed into and constitute a part of a special fund to be appropriated for the use and benefit of charitable purposes as may be directed by the common council.

Money from licenses to be used for charitable purposes.

SEC. 26. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships in this State in reference to school taxes, county and State taxes, the support of the poor, and State, district and county elections.

Council to perform same duties as township boards.

SEC. 27. The legislative powers of the city government are hereby vested in the common council, which shall possess a general supervisory control over the officers, agents and employes of the city government; also over all boards and commissions of the city and over the officers, agents and employes of said boards and commissions, except as herein otherwise provided. The boards referred to are the board of public works (except as herein otherwise provided), the board of fire commissioners, the board of health, the board of police commissioners and the board of electric light commissioners.

Legislative power vested in council.

SEC. 28. The comptroller, treasurer, board of public works and all other officers and boards of such city shall take notice officially of the acts and resolutions of the council and board of

Officers and boards to take official notice.

education, and said council and board of education shall in like manner take official notice of acts and resolutions of each other.

**Duties of
alderman.**

SEC. 29. It shall be the duty of every [alderman] aldermen in said city to attend the regular and special meetings of the council; to act upon committees when thereunto appointed; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws or police regulations of said city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of him by this act.

**Compensation
of officers.**

SEC. 30. The council shall determine the salary or compensation to be paid to the several officers of the city, which sum, when so fixed, shall not be changed during the term of his office, except by a three-fourths vote of all the aldermen elect.

**Council to re-
gulate working
upon streets.**

SEC. 31. The council shall have power to regulate the times and manner of working upon the streets, lanes and alleys in said city; to provide for the grading, graveling, paving, planking, macadamizing or otherwise improving the streets or alleys of said city, and to provide for the constructing, repairing of sidewalks in said city, and to establish the grades thereof, and may, by ordinance, designate the kind of sidewalks to be constructed in said city and the manner of their construction, and may require that walks in portions of said city, to be specified by ordinance or otherwise, shall be constructed of stone, brick or of such other material as shall by the common council, by ordinance or otherwise, be determined.

**Railroad and
street railway**

SEC. 32. The common council shall have power to authorize the running of railroads and street railways in the streets of said city, and may, as a condition of such use of the streets, require the corporation or persons owning such railroad or street railway to plank or pave so much of any street or streets so used as the council may deem just and proper; but before any railroad or street railway company shall lay any track or tracks upon any street or part of a street, such company shall procure and file with the recorder the written consent of at least three-fifths in number of the persons owning property fronting upon such streets or part of a street, that such company may lay its track or tracks thereon and operate the same. And as a further condition of the use by any railroad or street railway of any street or streets which may have been in whole or part paved, planked or macadamized prior to such use by any railroad or street railway, the council shall have power to require any corporation or persons owning such railroad or street railway to pay such proportion of the original cost of such planking, paving or macadamizing such street or streets as the council may deem just and proper. The fines so paid to the

city treasurer shall be distributed and paid over by him under the direction of the comptroller, to and among the property owners and municipal corporations originally assessed for the cost of such paving, planking or macadamizing, pro rata. The width of any right of way occupied by any such company shall in all cases be measured from a point distant one foot and two inches out from the outer side of the outermost rail on one side of the center of the street to a point distant one foot two inches out from the outer side of the outermost rail on the other side of the center of said street.

SEC. 33. The council may require such railroads and street Idem. railways to use such rails and ties, to lay their tracks and construct their road upon such grade and in such manner as it may from time to time require; the council may also require any railroad company to use, erect and maintain such safety gates and other safety devices, to be constructed as it may require. The council may also regulate and fix the rate of fare on street and inter urban railways; and it may make such other and further regulations in relation to the use of the streets by any railroad, street railway, or inter urban railway as it may deem proper. And in default of the performance of any of the conditions above mentioned and provided for, the council may cause any railroad, street railway or inter urban railway now or which may be hereafter laid to be changed in its route and its rails and ties removed; and the council may use such force as may be necessary to enforce a compliance with the conditions above named, and with any request to remove such rails, ties or change such routes; and the council may further provide by ordinance such penalties as may be necessary to enforce a compliance therewith.

SEC. 34. Nothing herein contained shall be deemed to pro- Idem. hibit the council from changing the route of any railroad or street railway now in or hereafter to be laid in said city, when in the opinion of the council the people's good may require it: *Provided, however,* That nothing herein contained Proviso. shall be deemed to deprive the owner or owners of any property abutting on any street or streets through which such railroad or street railway may pass, of his or her right of action against the person or corporation owning such railroad or street railway for damages incurred by reason of such use of any street or streets.

SEC. 35. The council shall have power to lay out, open, Streets, alleys make, grade and repair streets, lanes and alleys and the same to alter and vacate, and to alter or vacate those already laid out: *Provided,* That before any street, lane or alley shall be vacated or altered, the person or persons applying therefor shall give public notice, specifying the time and place at which such application will be made, by causing the same to be published in the official newspaper for three successive weeks, or by personally serving upon each owner residing in said city,

or occupant of any lot contiguous to said street or alley proposed to be altered or vacated a copy of such notice. Upon the hearing of such application, all parties in interest shall be entitled to be heard in person or by counsel, and no street or alley shall be vacated except upon sufficient cause shown, and with the concurrence of three-fourths of all the aldermen elect: *And provided, further,* That when any street or highway has once been graded, leveled, paved or covered with broken or pounded stone or other material, and the grade line thereof established, the said council shall not change or alter the grade line of said street or highway unless they have been first petitioned so to do by a majority of all the property owners on said street or highway. The council shall have power to regulate the use of all public highways, streets, avenues and alleys of the said city, subject to the rights of travel and passage therein. Whenever it becomes necessary, in laying out or opening any such highway, street, avenue, lane or alley, to take private property for that purpose, the same shall be done in the manner hereinafter provided.

Private property for public use.

SEC. 36. The common council of Bay City shall have power to purchase or take private property for the public use and benefit in the following cases:

Extend public highway.

First, To open, extend, widen or straighten any public highway, alley or street in said city;

Public buildings.

Second, To obtain sites for public buildings, to locate, establish or alter any sewer or drain.

Manner of taking.

SEC. 37. Whenever the council shall deem it necessary to take private property for public use for any of the purposes aforesaid, they shall give notice thereof to the owners or persons interested, or his or their agent or representative, by personal service or by written notice posted in three of the most public places in said city, at least three weeks next preceding the next meeting of said council for the purpose aforesaid. And the council is authorized to treat with such person or persons for such grounds or premises; and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for any justice of the peace of said city to issue a venire facias, to command the chief of police of said city to summon and return a jury of twelve disinterested freeholders, to be taken within the limits of said city, to appear before the said justice of the peace of the city, at any place therein to be stated, to inquire into and determine the necessity for using such grounds and the just compensation to be paid therefor to the owner or owners of, or parties interested in said grounds or premises; and in the impaneling of such jury, the right of challenge, enforcement of attendance and summoning of talesmen is hereby conferred as is provided by general law in this State for justice courts in civil cases, except that no more than two peremptory challenges shall be permitted to the corporation, and a like

number to the individual or individuals collectively, whose property is sought to be taken; and the challenge to the array shall be in writing, and shall specify the cause; which jury, being first duly sworn by said justice, faithfully and impartially to inquire into the necessity for taking or using such grounds and to ascertain and determine the just compensation to be paid therefor, and having viewed the premises, if necessary, shall inquire of, and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners or the parties interested in such grounds and premises, for their respective injuries, according to the several interests or estates therein; and the said justice shall upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and the determination of such jury as to the necessity of taking such private property for public use shall be final and conclusive. The council shall pay or cause to be paid, the several sums so awarded thereto, out of the special improvement fund, if there are sufficient moneys in the treasury belonging to that fund to pay the same. If there are not sufficient of said moneys in the said treasury to pay said award, the council shall cause an order to be drawn on such fund, drawing interest at seven per cent and payable at some future day, and within one year from date, as a security to the person or persons to whom such compensation shall be awarded, for the amount of such compensation so awarded to him or them, and shall deliver the same to such person or persons, or his or their agent or attorney. It shall thereupon be lawful for said council to cause such grounds to be occupied for the purposes aforesaid: *Provided*, That any person claiming damages as aforesaid may have the right to remove the proceedings, as to the amount of damages to be awarded, by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his, her or their intention so to do, to said justice in writing, within ten days, or in case of the absence of said party from said city at the time of the rendition of said judgment, then within thirty days after the verdict of such jury and the judgment of said justice as aforesaid, and upon filing a transcript of the proceedings aforesaid, duly certified by said justice of the peace within forty days after the verdict of said jury and the judgment of said justice of the peace as aforesaid, in the circuit court for the county of Bay, the same proceedings, as near as may be, shall be had, as is prescribed by law in the other cases of appeal; provided, that if the final judgment for damages, shall not exceed the damages assessed before the justice by at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

SEC. 38. Whenever the council shall deem it necessary to issue the bonds of the city for any purpose, the question of the issuing of said bonds shall be submitted to the electors

When bonds
may be issued..

of the city at the annual election in April, or at the general election in November, and at least thirty days' notice of such submission shall be given immediately preceding said election, by publication in the official paper of said city, specifying the amount of and not exceeding fifty thousand dollars, and the object for which it is proposed to issue said bonds, except as herein otherwise provided. A separate ballot box shall be provided for the receiving of ballots, and the votes on said question shall be canvassed, declared, and returned, and all things with reference thereto done in the same manner, as near as may be, as in the case of election of city officers. At the close of such election the inspectors of election shall make two certificates of the number of votes given for and against such issue of bonds, one of which shall be forthwith deposited with the recorder of said city, and the other filed in the office of the county clerk of Bay county: *Provided*, That not more than two such elections on the question of issuing bonds as aforesaid shall be held in any one year: *Provided, further*, That the common council of Bay City shall have the power and shall be authorized during the year eighteen hundred and ninety-seven to raise by loan the sum of thirty-five thousand dollars, to be used and applied in completing the new city hall now in course of construction in said city; and to secure such loan by the bonds of said city payable at such times not less than thirty years after date of issue, and with such rate of interest, not exceeding five per cent per annum, as said common council shall determine. The moneys obtained by such loan and sale of bonds shall be deposited with the treasurer of Bay City to the credit of the city hall construction fund, and drawn out upon warrants in the same manner as provided in section one hundred ninety-three of the charter of Bay City; such funds to be used for no other purpose except the construction and completion of said city hall.

Water works
bonds; council
may borrow
to pay.

SEC. 39. The common council of Bay City shall have power and authority during the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight to borrow by loan such sum or sums, not exceeding forty thousand dollars as said council shall deem necessary for the purpose of paying said water works bonds heretofore issued by said city of Bay City, which mature and become due during the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight.

Secured by
bonds.

SEC. 40. Said loan or loans shall be secured by the bonds of the city payable at such times, not less than ten years after the date of their issue, and shall bear such rate of interest, not exceeding five per cent per annum, as said common council shall determine. The said bonds shall be endorsed, "Bay City Water Works Bonds," and numbered consecutively; and no sale thereof shall be negotiated at less than face value or par. The proceeds derived from the sale of said bonds shall be paid

to the city treasurer and by him placed to the credit of a fund to be known as the water works bond fund; and such proceeds shall be paid out on warrants drawn and executed in all respects as provided in section one hundred and ninety-three of this act. No appropriation or payment out of said fund shall be ordered by the common council or made except for the purposes herein specified.

SEC. 41. Whenever the council shall be authorized by a vote of the taxpayers, as provided in section thirty-eight, they may issue the bonds of the city for the amount as voted, and provide for the payment of the principal and interest thereon, and for this purpose shall annually levy, assess and collect on the assessed value of all the real and personal estate in said city, made taxable by the laws of this State, taxes for this purpose, not to exceed in amount a sufficient sum to pay the interest accrued or to accrue on said bonds for the year for which said taxes are levied, and the principal as it shall become due.

May issue
bonds for
amount voted.

SEC. 42. The common council may by ordinance provide for the creation of a beneficiary police fund, to be constituted out of all moneys paid over to the police department or any member thereof as a reward or gift for services rendered. The fund so created shall not be drawn upon for any other purpose than to assist such persons as may become sick, injured or disabled while actively engaged as members of the police force of Bay City, or the widow or minor children of any such person. No assistance shall be granted except in accordance with the provisions of such ordinance, and for the purpose herein mentioned, and the city shall under no circumstances pay or become liable to pay any amount greater than the sum to the credit of such fund.

Beneficiary
police fund.

SEC. 43. On or before the first Monday in May next after the election of city treasurer, the common council may receive bids from the several banks of Bay City, for the deposit of all moneys, bonds, papers and evidence of value, and in case any safe bank shall offer to pay more than three per centum per annum, on daily balances, on all moneys, the council may contract with such bank for the safe keeping of all city moneys to be drawn on account current by the city through the proper officer: *Provided*, The city treasurer may designate the bank in which all such deposits shall be made, if the bank so designated by him shall pay not less than three per centum per annum on average daily balances, and as great a per centum per annum as any other bank. At the time of making any such contract such bank shall give a bond to the city, with sureties to be approved by the common council, sufficient to protect the city from loss, and the treasurer shall be relieved from all liability for such moneys so deposited in such bank until the same are drawn out by him. Unless interest shall be offered within the time above limited and paid at not less than

Council may
contract with
banks for keep-
ing of money.

Bank to give
bond.

the rate herein mentioned, then the city treasurer shall control and be responsible for all public moneys. All interest received shall belong and be credited to the general fund.

May construct
Park Ave.
sewer.

SEC. 44. The common council of Bay City is hereby authorized and empowered by a three-quarter vote of all the aldermen elect to construct a three foot sewer or drain on the east gutter line of Park avenue, commencing at the south line of the Ridge road and running thence north on the east gutter line of Park avenue to and connecting with a four foot culvert as now constructed across Center avenue; thence a four foot brick sewer commencing at the north end of said four foot culvert across said Center avenue and running thence north on the east gutter line of said Park avenue to and connecting with the culvert across Woodside avenue (said culvert terminating at the north line of said Woodside avenue at the intersection of the east gutter line of McEwan street with said Woodside avenue); thence commencing at the north end of said last mentioned culvert and running north on the east gutter line of said McEwan street to the north line of Water street; thence to the Saginaw river by such route and on such lines as the common council of Bay City may direct.

May borrow
money for con-
struction of.

SEC. 45. Said common council is also authorized and empowered to borrow by loan on the faith and credit of Bay City such sum or sums, not exceeding fifteen thousand dollars, as it shall deem necessary for the expense of constructing said sewer or drain, and to issue the bonds of said city therefor; said bonds to mature and to be made payable in such amounts, at such times, during a period not exceeding twenty years as said council may determine; and said bonds shall bear interest at a rate not exceeding five per cent per annum. Said bonds shall be endorsed "Park avenue Sewer Bonds" and shall be numbered consecutively; and no sale thereof shall be made at less than par, and the proceeds of such sale shall be paid into the city treasury and placed to the credit of a fund to be known and designated as the Park avenue sewer fund; and no money shall be paid out of said fund except for the purposes herein specified, and only on warrants drawn and executed in all respects as provided in section one hundred ninety-three of this act, except that such warrants shall be endorsed "Park avenue sewer warrants" and numbered consecutively.

"Park Ave.
Sewer Bonds."

Council to
license and
regulate said
sewer.

SEC. 46. The common council of said city is hereby authorized and empowered to and shall license and regulate by ordinance the use of said sewer or drain, and no person shall be allowed to tap said sewer or drain or to connect any lateral sewer or private drain therewith, or make any use thereof, without first obtaining a license and paying therefor such sum or sums as said council shall by ordinance prescribe; and said council shall prescribe a fee to be paid before such license shall issue. The moneys derived from the licenses so issued shall be placed to the

credit of said Park avenue sewer fund and shall be used towards payment of the principal and interest on said bonds. Said Bay City shall be in no wise liable to any person for damages resulting from the construction, operation defect or insufficiency of said sewer or drain or from the negligence or act on the part of any of its officers, agents or employes in its exercise of the powers hereby conferred. City not liable for damages.

CHAPTER IV.

EXECUTIVE OFFICERS—FIRST, THE MAYOR.

SEC. 50. The mayor of the city, chosen and qualified as hereinbefore provided, shall be taken and deemed to be the chief executive officer of Bay City, and conservator of its peace. He shall be compensated for his services by a salary of five hundred dollars per annum, and shall receive no other compensation or emolument whatever. Mayor chief executive.
Salary.

SEC. 51. It shall be the duty of the mayor to be at all times vigilant and active in causing the laws for the government of the city to be duly executed and put in force, to inspect the conduct of all subordinate officers in the government thereof, whether appointed by the council or any board or commission of Bay City, and so far as may be in his power, to cause all negligence, carelessness and positive violation of duty to be duly prosecuted and punished. Duties of.

SEC. 52. The mayor may, at least once a month or oftener, call together the heads of all the departments, or any other city officers, whether elected or appointed, for consultation, and advice upon the affairs of the city; and at such meetings, and at all times, they shall furnish such information as to matters under their control as the mayor may request. It shall be the duty of the mayor to secure the honest, economical and efficient conduct of the entire executive and administrative business of the city, and the harmonious action of the different departments, the executive powers of the city being hereby vested in the mayor, except as in this act otherwise provided, to be exercised through the several officers and boards of the city, in their respective departments, who shall at all times be accountable to the mayor for the proper discharge of their duties. Mayor call heads of departments together for consultation.

SEC. 53. The mayor shall have power, whenever in his judgment the good of the city may require it, to summon meetings of the council and to report to them any violation of the laws, and communicate to them such information, and recommend such measures as may tend to the improvement and better government of the city, or such measures as he may deem necessary or expedient. Mayor call meetings of council.

May assume
command of
police force.

SEC. 54. The mayor shall have power at any time in any emergency, of which he alone shall be the judge, to assume command of the whole or any part of the police force of Bay City.

May suspend
any appointed
officer.

SEC. 55. The mayor may suspend or remove any member of any board or commission or any appointed officer or agent of the city for good and sufficient cause, which must be assigned in his order of suspension or removal: *Provided, however,* That he shall communicate such order of suspension or removal together with his charges against the person suspended or removed, to the common council within two weeks from the date of said order; and thereupon the person so suspended or removed shall be furnished with a copy of the said order and of the charges against him, allowed to be heard in his defense with the aid of counsel, and if said charges are found to be true, and are sustained by a two-thirds vote of all the aldermen elect, then said order of suspension or removal shall stand and remain in full force, but not otherwise.

Shall sign
licenses and
affix seal.

SEC. 56. The mayor shall, by virtue of his office, be authorized to administer oaths and affirmations, and shall affix to all official certificates and conveyances the seal of the city. He shall sign all licenses or permits issued or granted by the council, which shall be attested by the recorder.

Shall preside at
all meetings
of council.

Disability of,
who to perform
duties.

SEC. 57. The mayor shall preside at all meetings of the council; but in case of his absence, inability, neglect or refusal to perform the duties of presiding officer, the acting mayor shall preside and act in his stead; and in case of the absence, inability, neglect or refusal of both mayor and acting mayor to so act and perform such duties, the council shall have power to appoint a president *pro tempore*, who shall preside at such meetings. In case of the death, inability, continued absence or resignation of the mayor, or in case of his neglect, refusal or inability to perform the duties of his office, the same shall devolve upon the president of the council; and if there be no such president of the council, then the said duties shall devolve upon the president *pro tempore* until the mayor's absence, his ability to perform the duties of the office, and his attention to and performance thereof, or until the vacancy is filled as provided by the charter. The person upon whom such duties shall devolve shall be styled "acting mayor."

Shall file ob-
jections to
ordinance.

SEC. 58. The mayor or acting mayor shall file with the recorder his objections in writing to any ordinance, resolution or order of the council within three days after the passage of the same, setting forth his reasons for disapproving of the same; then such ordinance, resolution or order of the council shall not become operative or take effect, unless again passed or adopted by a vote of two-thirds of all the aldermen elect. The recorder shall, at the first meeting of the council after such objections of the mayor or acting mayor shall have been filed with him, communicate and deliver the same into the custody and control of the council.

SECOND, THE COMPTROLLER.

SEC. 59. The comptroller shall, at the end of the fiscal year ending March twenty-second in each year, make out a detailed statement of all the receipts and expenditures of the corporation for the past year which statements shall state particularly upon what accounts all moneys were received, and shall specify all appropriations made by the council during the year, and the particular purpose for which each appropriation was made. Such statement shall be signed by the mayor and recorder, and shall be filed in the office of the recorder. The comptroller shall cause to be published at least two hundred copies of a summarized statement under general heads of his annual report, together with such other annual reports as the council may order.

Comptroller
To make
annual state-
ment.

SEC. 60. It shall be the duty of the comptroller to keep the financial accounts of the city, to countersign all bonds, orders on the treasury, and all evidences of debts and transfers of property which the council is authorized to make pledging the faith of the city; to examine all accounts and demands against said city and certify to the council as to the correctness of the same, and when payment thereof shall be authorized by the council, to countersign and register the orders drawn therefor by the recorder upon the treasurer; he shall keep in proper books a record of all bonds issued by the city, with the number, amount and dates thereof; when issued, when payable and of all coupons attached thereto.

To keep finan-
cial accounts.

To countersign
and register
orders drawn.

SEC. 61. The comptroller shall in like manner keep an account of all funds, taxes, assessments, receipts and expenditures of the city, and at the end of the fiscal year in the month of March in each year he shall make out and present to the council a full statement and balance sheet of the financial accounts of said city as provided in section fifty-nine of this act, with such recommendations as may be proper to add thereto, and shall cause two hundred copies of a summarized statement of the same under the general heads, or as many more as the council may direct to be printed in pamphlet form.

To keep ac-
count of taxes,
assessment,
expenditures.

SEC. 62. The comptroller shall sign all contracts and agreements on behalf of the city, except as herein otherwise provided, subject to the orders of the council; and shall make all purchases for the city or its officers, not otherwise herein provided for, whenever, and in the manner as shall be directed by the council; he shall be charged with the leasing, repairs, insurance and general supervision of the city property, not herein otherwise provided for, and for his information may require reports from all officers and persons having any city property in charge or in their possession, and report the same when required by the council.

To sign all con-
tracts and
agreements.

Shall have general supervision of city finances.

SEC. 63. The comptroller shall exercise a general supervision over the financial concerns of the city and keep complete sets of books exhibiting the conditions of the city in its various departments and funds, its resources and liabilities, with a proper classification thereof, and of each fund or appropriation for a distinct object or class of expenditures.

Shall have account with treasurer.

SEC. 64. The comptroller shall open an account with the treasurer, in which he shall charge the treasurer with the whole amount of taxes, special or general, levied in said city, and placed in his hands for collection, all sums received for licenses, rents and other moneys which may be paid into the city treasury, and all bonds, coupons, notes, leases, mortgages, interest and bills receivable by said city of whatever nature. He shall charge to the treasurer all taxes which may be placed in his hands for collection, and all other officers of the corporation with all funds, moneys or property placed or being in their possession, and shall require a settlement with such officers at least once a year and not oftener than once a month. He shall also give the treasurer and all such other officers credit for all moneys disbursed upon showing proper vouchers.

Shall attach warrant to tax rolls.

SEC. 65. The comptroller shall make out and attach warrants to all tax rolls of the city and shall perform such other duties, as are or may be prescribed by this act and the charter or by ordinances of the council, not inconsistent herewith.

To administer oaths and take affidavits.

SEC. 66. The comptroller is authorized generally to administer oaths and affirmations and take affidavits. He is authorized to certify to copies of all papers in his office, and he shall be entitled to receive the sum of twenty-five cents for each and every certificate so made by him, and every affidavit sworn to before him.

Salary of.

SEC. 67. The comptroller of said city shall receive an annual salary of two thousand dollars. He shall have power to appoint an assistant to aid him in the discharge of his duties; such appointment shall be submitted to the council for its approval; such assistant shall receive a salary of eight hundred dollars per annum. In case of the absence or inability of the comptroller or of his said assistant to discharge said duties the council may by resolution authorize the appointment of an additional assistant to discharge the duties of said comptroller and fix his compensation. The council may require such assistants to give a bond for the faithful performance of said duties, and in such penalty as the council shall approve. The comptroller shall be responsible for the acts of any assistant so appointed by him.

Can appoint assistant.

Salary of.

THIRD, THE RECORDER.

Duty of recorder.

SEC. 68. The recorder is authorized generally to administer oaths, and affirmations and take affidavits.

Clerk of council.

SEC. 69. The recorder shall be clerk of the common council, and shall give bond for the faithful performance of his duties

in such sum as the council may require; he shall keep the record of the proceedings of the common council. His salary shall be fifteen hundred dollars per year.

SEC. 70. The recorder shall open and keep books of account and such other books of receipts and expenditures in such form and manner as the council may direct.

Salary.
To keep books and accounts.

SEC. 71. The recorder shall also perform for the city all such duties as township clerks are required by law to perform for the several townships in regard to filing and registering chattel mortgages and bills of sale, and for such services he shall receive the same fees and compensation as they are entitled to receive under the laws of this State.

Shall register chattel mortgages.

Fees for.

SEC. 72. The recorder shall also keep a record of all ordinances and of the time of their publication; which record shall be signed by himself and the mayor.

Shall keep record of ordinances.

FOURTH, THE TREASURER.

SEC. 73. The treasurer of the city shall be, by virtue of his office, the collector of all taxes and assessments, both general and special, levied and made therein; and for that purpose, within ten days after his election, he shall give bonds to the city in such sum and with such surety or sureties as the council shall require and approve; he shall also give to the treasurer of the county of Bay such further security as the council shall require and approve; he shall also give to the treasurer of the county of Bay such further security as is or may hereafter be required by law of the several township treasurers of this State, and for the purpose of the collection and return of all such taxes and of the return of property delinquent for the non-payment of taxes; the said treasurer, on giving the bonds or surety so required, shall possess all the powers and perform all the duties of the several township treasurers of this State as prescribed by law, and shall also perform such other duties respecting the collection and return of taxes as the council shall require: *Provided, however,* The treasurer may sue in the name of the city any person to whom a tax on personal property is assessed, at any time within six years after the same was assessed. It shall be the duty of the treasurer to report to the council at the first meeting in October and January all delinquent personal taxes.

Treasurer to collect taxes.

Bond of.

SEC. 74. The treasurer shall have power to appoint one or more deputies to be approved by the council, and make or revoke such appointment at his pleasure, which appointment and revocation shall be in writing and filed in the office of the recorder, and the deputy may perform the duties of such treasurer, and said deputy, before entering upon the duties of his office, shall give bonds to the city in such sum and with such surety or sureties as the council may require and approve.

Shall appoint deputies.

Bond of.

May appoint
member of
police as
deputy.

SEC. 75. The treasurer may designate and appoint a member of the police force of Bay City as deputy treasurer for the purpose of collecting delinquent personal taxes. Such designation and appointment shall be made in writing, and reported to and approved by the council; and thereupon such police officer shall be possessed of all the power conferred by law upon the treasurer to collect such delinquent personal taxes. The treasurer shall be responsible for the acts of such special deputy, who shall serve without compensation, other than that received as police officer.

FIFTH, THE CITY ATTORNEY.

City attorney.
Term of office.

Legal adviser
of council.

SEC. 76. The city attorney shall hold office for the term of two years and until his successor shall have been appointed and shall have qualified. In case of vacancy during said term a successor shall be appointed for the remainder of the unexpired term. In addition to all other duties prescribed by this act, he shall be the legal adviser of the common council and of all the officers and boards of said city; and he shall act as attorney and solicitor for the city in all legal proceedings in which it is interested. He shall prosecute for all offenses against the ordinances of the city; he shall attend the meetings of the council and of the different boards, when required by them, and shall perform such other and further duties as the council may require.

SIXTH, THE STREET COMMISSIONER.

Street commis-
sioner.

Duties of.

Security of.

SEC. 77. The street commissioner shall hold office for the term of two years and until his successor shall have been appointed and shall have qualified. In case of vacancy during said term, a successor shall be appointed for the remainder of the unexpired term. He shall, under the direction of the council, superintend the making, grading, repairing, cleaning and planking of all streets, lanes, alleys, bridges, sidewalks, cross-walks and drains within the limits of said city. He shall also superintend the opening of all streets, lanes and alleys within the limits of said city, in such manner as he may from time to time be required. Before entering upon the discharge of his duties, and within ten days after notice of his appointment, he shall take the oath of office and give such security for the faithful discharge of his duties as the council shall direct and require, and in a sum not less than one thousand dollars.

SEVENTH, THE CITY ENGINEER.

City engineer.
Duties of.

SEC. 78. The city engineer shall make all surveys required for the laying out, construction, alteration, repair and improve-

ment of streets, sewers, sidewalks, local improvements, cemeteries, parks and grounds, and shall prepare all necessary plans, profiles and specifications therefor, and shall perform the city engineering work of said city, of every description, as may be required by the common council, the board of public works, or other lawful authority of the city. He shall examine into and keep track of the condition of all local improvements ordered by the council, and all contracts let by the board of public works, and see that the same are properly executed according to the plans and specifications, and report to the board of public works failures to comply with the provisions of law, and omissions in any such works. He shall be the engineer in charge of all local improvements under the direction of the board of public works, and shall establish all grades for the same; he shall be superintendent in charge of all local improvements, and shall give the same his personal supervision; he shall receive for his services an annual salary, to be determined by the council; he shall devote his entire time and attention to the duties of his office, and is hereby expressly prohibited from rendering any services except for the city. His term of office shall be for two years and until his successor shall have been appointed and shall have qualified. In case of vacancy during said term a successor shall be appointed for the remainder of the unexpired term.

Term of office.

CHAPTER V.

THE BOARD OF WATER WORKS.

SEC. 79. Seven persons, being electors of Bay City, shall constitute a board to be known and called, "The Board of Commissioners of Water Works," and the several persons constituting the board of commissioners of water works of Bay City on the first day of March, eighteen hundred and eighty-nine, shall be and constitute the first board of commissioners of water works under this act, and the term of office of said members of the board shall expire as now provided by the charter of said city. At the last regular meeting of the common council in the month of August of each year it shall be the duty of the mayor to appoint, subject to the confirmation of the common council, a suitable person, a citizen of Bay City, to the office of water commissioner, in which a vacancy is about to occur, who shall be a member of said board of water works for the term of seven years from the sixth day of September next following the date of such appointment: *Provided*, That it shall be the duty of the mayor at the last regular meeting of the common council in the month of July, eighteen hundred and eighty-nine, and also at the last regular meeting in the month of July, eighteen hundred and ninety, to appoint, sub-

Board of water works.

Who to constitute..

Term of office.

Mayor to appoint one member each year.

Providio.

ject to the confirmation of the board of aldermen, suitable persons, citizens of Bay City, to the office of water commissioners, in which vacancies will occur on the fourth day of August, next following these dates, who shall be members of said board of water works for the term of two years from the sixth day of September next following the date of such appointment: *Provided, further,* That this section shall not be so construed as to disqualify any member of said board for reappointment; and in case of a vacancy in said board, the common council, upon the nomination of the mayor shall appoint some suitable person to fill said vacancy for the unexpired term.

Compensation

No member to be interested in any contract.

Not to be member of council.

Regular meeting of.

Appointment of president.
Term of office.
Duties of.

Officers to give bonds.

Proviso.

Further proviso.

Shall have management of all work.

SEC. 80. The members of said board shall receive no compensation for their services, and they shall not be subject to removal from office except by a vote of two-thirds of all the aldermen elect of said Bay City. No member of said board shall be at any time interested directly or indirectly in any contract for labor, material or supplies, for or on account of the construction, operation or repairing the water works within and for Bay City, and no member of said board shall at any time be a member of the common council of Bay City.

SEC. 81. At the first regular meeting of said board after the common council shall have made the annual appointments it shall be the duty of said board to appoint one of their members president, who shall hold such office for one year, and perform such duties as are usually required of a presiding officer, together with such other and further duties not inconsistent with this as may be required of him by said board, and by appointing a secretary, and such other officers and committees as they may deem necessary. The said board shall also have full power and authority to appoint, employ and pay from the funds at their disposal, such officers, agents and persons as in their opinion may be necessary to enable them to manage in the best manner the business under their charge. In appointing such officers and agents the board shall also have power, and it shall be their duty, to take proper security by bond or otherwise for the due and faithful performance of their duties as such officers or agents: *Provided, however,* That said board may, in its discretion, dispense with such security as to those officers and agents not entrusted with the collection or disbursement of funds placed under control of the board: *Provided, also, further,* That salaries allowed permanent officers and agents of said board shall be submitted for the approval of the common council and the same shall be duly approved, before any payment thereon shall be made.

SEC. 82. The said board shall have full, complete and entire charge, management and control of the planning, constructing, operating and repairing of all works of every kind whatsoever, hereafter to be constructed or now used for the purpose of supplying Bay City and the inhabitants thereof

with water, and they shall purchase all materials and supplies therefor, including right of way for pipes, grounds for location of all necessary buildings and structures, and shall make all contracts pertaining thereto, subject, however, to the limitation in this act. The conveyances of such right of way and the title to such grounds so purchased shall be taken in the name of Bay City, and said water works and every thing appertaining or belonging thereto shall be the property of said city, and all contracts and purchases made by said board shall be in the name of Bay City.

SEC. 83. When said board shall have completed their plans and made their estimate of the cost of any new works they may propose to construct, they shall, before making any purchase or letting any contract therefor, report the same to the common council, and obtain their approval of the same, and the said board shall at no time and in no event enter into any contract or contracts, or in any way pledge the credit of Bay City for a greater sum than the amount placed at their disposal, to be known as the water works fund: *Provided, however,* That said board may enter into contracts for machinery and material for said water works, and for additions and improvements thereto, and thereby pledge the credit of and bind said city upon first obtaining the consent of the common council of said city, which consent, if obtained, shall be by resolution duly adopted by said council, which shall state the amount of indebtedness said board may contract, the terms thereof, and the purpose or purposes for which the same may be contracted, and the said board shall in no case or event obtain or seek to obtain a supply of water from any other place than Saginaw bay: *Provided, however,* That said board may maintain a proper connection between the Saginaw river and the receiving wells at the point where the pumping machinery is located, to be used only at such time or times as by reason of defects of machinery or appliances, or on account of fire, a sufficient supply of water cannot be obtained from the bay.

Report plans to council before making contract.

Proviso.

SEC. 84. All moneys raised by loan or otherwise for the construction, management and repairs of any and all works for supplying the city and the inhabitants thereof with water, as well as for the purchase of supplies, material, right of way and ground therefor, together with all sums in any way appropriated for that purpose, including all sums collected for water rates, shall be deposited with the city treasurer, and credited by him to the water works fund, and shall remain to meet the liabilities incurred by said board, and shall not be withdrawn or used for any other purpose, unless otherwise ordered by the common council. The said board shall, on or before the last day of each month and oftener when necessary file with the city recorder a written statement of all claims and accounts against said board, showing on what account the same were contracted, and to whom payable;

Moneys raised by loan to be deposited with city treasurer.

Board to file statement with recorder of all claims and accounts.

thereupon a warrant shall be drawn by said recorder, countersigned by the comptroller for the amount of said statement, payable to the order of the secretary of the board of water works; the secretary shall deposit said warrant with the city treasurer, who shall credit the amount thereof to the board of water works fund. The city treasurer shall be the treasurer of the board of water works, and shall pay all orders drawn by the secretary thereof in payment of all claims and accounts mentioned in said statement.

Shall keep complete books of accounts.

Office to be in city building. Secretary to report to council.

SEC. 85. The said board shall keep, or cause to be kept, full and complete books of account of the business done by them, showing fully their receipts and disbursements, which books shall be open for inspection at all reasonable times. The office of said board shall be in the city building in Bay City, and they shall make and preserve full minutes of all their proceedings. The secretary of said board shall at least once in each month report to the common council the amount of disbursements and expenditures; and also the receipts and collections made by said board during the month last preceding, which report shall be published with the official proceedings of the council. They shall also report the nature, condition and progress of any work or contract undertaken or entered into by them, together with such other information relating to the business or any part thereof under their control, as the council may from time to time direct.

Power to extend distributing pipes.

Persons outside of limits to pay for distributing pipes.

Proviso.

To make rules.

Proviso.

SEC. 86. The said board, when authorized by the council, shall have power to extend their distributing pipes, aqueducts and mains and erect hydrants without the limits of said city, and to regulate, protect and control such portions of their works, and the water supply therefrom, in the same manner as they may regulate, protect and control their works and the water supply within the city: *Provided*, That before any water shall be supplied to any person or persons residing outside the limits of the city, the entire cost of distributing pipes necessary to supply such person or persons shall be paid to the said board; and all such distributing pipes through which any water shall be supplied by said water board shall be the property of Bay City and form part of its system of distributing pipes: *Provided, further*, That at least double the usual rates shall be charged by said board for any water supplied to persons residing or doing business outside the city limits. The said board shall have power to make proper rules and regulations fixing the rates to be paid for water supplied and prescribing the time and mode of collecting the same, regulating the manner of making collections, providing for the safety of the pipes and machinery, together with such other and further matters pertaining thereto as they may deem expedient: *Provided, however*, That no change shall be made in the rates paid for water supplied, or the regulations governing the same, as

now provided by ordinance, except with the approval and consent of the common council.

SEC. 87. The board hereby created shall have the same legal power in addition to that conferred by this act as would be conferred upon them by statute were they appointed by the common council under authority of "An act to authorize the introduction of water into, and the construction of hydraulic works in the cities and villages in the State of Michigan," approved August fourth, eighteen hundred and seventy, and the amendments thereto.

Same legal power as though conferred by statute.

CHAPTER VI.

THE BOARD OF PUBLIC HEALTH.

SEC. 88. The council shall have power and it shall be their duty to adopt measures for the preservation of the public health of said city; to restrain or prohibit the exercise of any unwholesome or dangerous business or avocation in the limits of said city. The council shall also have power and it shall be their duty to appoint on the nomination of the mayor at the first meeting in April, eighteen hundred and eighty-three, or as soon thereafter as may be convenient, three persons, electors and practicing physicians, who, together with the mayor and recorder, shall constitute the board of health of Bay City. The three physicians first appointed shall hold their offices respectively for the terms of one, two and three years from May first, eighteen hundred and eighty-three, and annually after eighteen hundred and eighty-three at the first meeting in April or as soon thereafter as convenient, a member of said board, with the like qualifications, shall be appointed on the nomination of the mayor, who shall hold his office for the term of three years from May first, and until his successor shall have been appointed and shall have qualified. Vacancies in said board shall be filled in the same manner that appointments are made, as herein provided.

Board of public health.

Who to constitute.

Term of office.

SEC. 89. The board of health, thus constituted, for the purpose of organization and management of its department, shall have all the authority ordinarily pertaining to such bodies, and also to appoint one of their number a secretary, as an executive officer, who shall be known as the health officer of Bay City. The health officer shall be selected with special reference to his knowledge of chemistry, hygiene and sanitary matters. Said health officer may be removed from office by the board of health, a majority of its members voting for such removal. The members of said board of health shall serve without compensation, but the health officer shall receive an annual salary to be fixed by the council.

Authority pertaining to such bodies.

Health officer.

May be removed.

Compensation of.

Board to report
to comptroller
amount of
money neces-
sary for ex-
penses.

SEC. 90. Said board of health shall, on or before the twentieth day of July in each year, report to the comptroller, to be by him transmitted to the council, an estimate of the moneys necessary to defray the expenses of such board during the ensuing fiscal year. The council shall have power to raise by taxation the amounts so estimated, or such part thereof as may be approved, in the same manner as other general city taxes are levied and collected, and they shall have authority to make such ordinances, by-laws and regulations for the government of such board of health and for the preservation of the health of the inhabitants of said city as shall insure a prompt and efficient discharge of the duties imposed upon the board by this act.

Physicians to
report births.

SEC. 91. The council shall also have power to pass an ordinance or ordinances providing for and requiring attending physicians and mid-wives, or the parent or parents to report or register all births within the limits of said city to the health officer thereof.

CHAPTER VII.

THE BOARD OF FIRE COMMISSIONERS.

Board of fire
commissioners.

SEC. 92. The fire commission of Bay City shall consist of five persons having the qualifications of electors, who shall be elected by a majority vote of all the members-elect of the common council. The present members of the board shall be continued in office until their terms expire, respectively, or until their successors are appointed and qualified. Upon the expiration of the terms of the several members of the present board, a member of said board to succeed the person whose term expires shall be elected as herein provided, who shall hold his office for the term of five years. The common council shall by ordinance prescribe the powers and duties to be exercised by said board and shall place under the direction of said board, subject to the supervisory control of the council, the care, control and management of the several hose houses, all fire apparatus and equipments belonging to said department, together with the management and direction of all officers, men, measures and actions for the prevention and extinguishment of fires in said city.

Council to pre-
scribe duties of

Compensation.

SEC. 93. The members of the said board of fire commissioners shall serve without compensation, and no member thereof shall hold any other political office, and they shall be exempt from jury duties while so serving. Every officer or employe of said department, now or hereafter appointed, shall hold office and retain his position during good behavior, and no such officer or employe shall be discharged, except for cause, and after a hearing before and investigation by said board

under such rules and regulations as said board may prescribe. The board of fire commissioners shall be the absolute and final judges as to the existence and sufficiency of cause for removal. No appeal from their decision shall be had, taken or entertained, and there shall be no review by *certiorari* or otherwise of their proceedings in relation to such hearing, investigation and removal or dismissal of such employes or officers.

CHAPTER VIII.

THE BOARD OF POLICE COMMISSIONERS.

SEC. 94. The board of police commissioners shall consist of five persons having the qualifications of electors. The members of said board shall be William H. Bridges, Herbert C. Hitchcock, August C. Maas, Selwyn Eddy and Ubald R. Loranger. The term of office of the first of these shall expire on May first, eighteen hundred and ninety-eight; and that of the second on May first, eighteen hundred and ninety-nine; that of the third on May first, nineteen hundred; that of the fourth on May first, nineteen hundred and one, and that of the fifth on May first, nineteen hundred and two. On the expiration of each of the terms aforesaid, the council shall appoint, by a majority vote of its members-elect, a member of said board to fill such vacancy, and the person so appointed shall hold his office for the term of five years and until his successor shall have been appointed and shall have qualified; and any vacancy which may occur in the membership of said board before the expiration of the respective terms of its members, shall be filled by a person qualified to fill the remainder of such unexpired term; and the appointment to fill such unexpired term shall be by a majority vote of the members elect of the common council.

Board of police commissioners.

Term of office.

Vacancy, how filled.

SEC. 95. The common council shall, by ordinance, prescribe the powers and duties to be exercised by said board, and shall place under the direction of said board, subject to the supervisory control of the council, the care, control and management of the police force, its organization, government, appointment and discipline, and the custody and control of all public property, books, records and equipments thereunto belonging. The common council shall also by ordinance provide that said board shall keep a written record of its proceedings, to be signed by the chairman and clerk thereof, which shall be open to public inspection at all reasonable times.

Council to prescribe powers by ordinance.

To keep record of proceedings.

SEC. 96. The council shall also, at any time have the power to remove any member of said board in the same manner as heretofore provided for the removal of public officers in section seventeen of this act. Said commissioners shall meet

Council may remove any member.

Recorder to be clerk of said board.

on the first Monday in May of each year, or as soon thereafter as may be, and select one of their number chairman, who shall be known as chairman of the board of police commissioners.

SEC. 97. The recorder of Bay City shall be clerk of said board; and no member thereof shall receive any compensation for his services. No member of said board shall hold any other political office except that of prosecuting attorney or assistant prosecuting attorney; and the members thereof shall be exempt from military and jury service while so serving.

Members of police force not to be removed without cause.

SEC. 98. No member of the police force of said city shall be removed without cause, and after a fair trial and hearing by said board, upon specific allegations, under such rules and regulations as said board shall prescribe. Said board shall be final judge of the existence and sufficiency of any cause for removal of any such officer or employe.

Duties of.

To preserve public peace.

SEC. 99. It shall be the duty of said board and of the police force hereby constituted, at all times of the day and night, within the boundaries of Bay City, to preserve the public peace and prevent crime and arrest offenders, to protect the rights of persons and property, to guard the public health, to preserve order, to enforce all laws of the State and all ordinances of said city and lawful resolutions of the council, to remove nuisances existing in public streets and highways, to report all leaks and defects in water pipes and sewers to the proper authorities, to provide a proper force at every fire in order thereby that the firemen may be protected in the performance of their duties, and property preserved for the owners thereof; to protect strangers and travelers at steamboat landings and railway stations, and generally to carry out and enforce all ordinances of the city, lawful resolutions of the council, and laws of the State.

Chief of police to attend fires.

SEC. 100. Upon the breaking out of any fire in said city the chief of police shall immediately repair to the place of such fire and aid and assist as well in extinguishing the fire as in preventing any goods or property from being stolen or injured, and in protecting, removing and securing the same, for which purpose, as chief of police, he may require and compel the assistance of all bystanders; and in the performance of his said duties, the chief of police shall in all respects be subject to the order of the mayor or such of the aldermen as may be present.

CHAPTER IX.

THE BOARD OF ELECTRIC LIGHT COMMISSIONERS.

Board of electric light commissioners.

SEC. 101. Five persons having the qualifications of electors of said city, who shall be appointed by the council by a majority vote of all the aldermen elect, shall constitute a board of electric light commissioners. Said commissioners

after their appointment shall meet and select one of their number chairman, who shall be known as the chairman of the board of electric light commissioners; and said commissioners, when convened, shall be known as the board of electric light commissioners of Bay City. They shall appoint a secretary and cause to be kept a record of their proceedings; said commissioners shall receive no compensation for their services.

SEC. 102. The common council of said city may, by ordinance, prescribe the powers and duties to be exercised by said board, and by ordinance or otherwise place under the care and direction of said board of electric light commissioners, the care, control and management of the electric light plant belonging to Bay City, under such rules and regulations as the council shall see fit to adopt. Any person owning any stock or shares or being any partner or directly interested in any electric light company shall be disqualified from becoming a member of said board and from continuing to act as such. Duties of.

SEC. 104. Neither the city of Bay City nor said board shall be in any wise liable in damages to any person or persons who may hereafter sustain bodily injury by reason of any act or neglect on the part of any member, officer, agent or employe of said board or said city of Bay City, in the care, control, management or operation of the electric light works, lights and plant belonging to said Bay City; and no court shall entertain, try or hear any suit or proceeding against said board or said Bay City for the recovery of such damages for such bodily injury which may have been heretofore sustained. Not liable to damage.

SEC. 105. The persons first appointed by the council as electric light commissioners shall hold office, one until the first day of May, eighteen hundred and eighty-eight, one until the first day of May, eighteen hundred and eighty-nine, one until the first day of May, eighteen hundred and ninety, one and one until the first day of May, eighteen hundred and ninety-two, and until their successors are elected and qualified; and all persons subsequently appointed, except for the purpose of filling vacancies, shall hold their offices for five years, and until their successors are elected and qualified. In case any vacancy occurs, the council, by a majority vote of all the aldermen elect, shall appoint some person to fill the unexpired portion of the term. Said commissioners shall be subject to removal by a majority vote of all the aldermen elect. Term of office.

CHAPTER X

THE BOARD OF ASSESSORS.

SEC. 106. There shall be two assessors appointed by the common council, who, together with the comptroller, shall be known as the board of assessors. The two assessors so Board of assessors.

Term of office. appointed shall hold their office for the term of three years from the date of their appointment and until their successors have qualified. Said assessors shall receive such compensation as the common council may determine: *Provided, however,* That such compensation shall not exceed the sum of five dollars per day, and for a period of time not exceeding one hundred days in any one year. No person who holds any other county or city office, except comptroller, shall be eligible to appointment or hold the office of assessor. The comptroller shall be president of said board, and two members thereof shall constitute a quorum.

Power and duties. SEC. 107. The board of assessors shall possess all the powers, discharge all duties and be subject to all the liabilities in, for and to the city, that are conferred and imposed upon supervisors of townships by the provisions of the general laws of this State; also by the provisions of the general laws in relation to the assessment and taxation of persons and property, so far as the same may be applicable, and except as herein otherwise provided. The board of assessors shall, in each year, in the manner provided in the general tax laws of this State, assess at its true cash value, all the real and personal property subject to taxation within the limits of said city, and said board shall, before the time fixed for the first meeting of the board of review in each year, make out and complete the assessment roll, which shall be divided into separate books, one for each ward, to be provided for that purpose by the comptroller. If any lot, lots or other parcel of land shall lie partly in two or more wards, the same shall be assessed in the ward where the greater portion thereof shall be situated.

CHAPTER XI.

THE BOARD OF PUBLIC WORKS.

Board of public works. SEC. 108. The board of public works of Bay City shall consist of a city engineer, city comptroller and three electors of said city, who shall be appointed by the council by a majority vote of all the aldermen elect. The members of such board hereafter appointed shall hold their offices for three years: *Provided, however,* The members of said board as now constituted shall hold their offices until the expiration of the time for which they were respectively appointed. As the respective terms of the members of such board expire, one member of such board shall be appointed each year by the council by a majority vote of all the aldermen elect, who shall hold his office for three years. In case of a vacancy, the council shall, by a majority vote of all the aldermen elect, fill such vacancy for the remainder of the unexpired term. Any per-

son appointed a member of said board shall hold his office until his successor is appointed and qualified.

SEC. 109. No member of said board—other than the comptroller—during his term of office shall hold any elective office under the charter of said city, nor shall any member be personally interested, directly or indirectly, in any contract for any public improvement in said city, nor in the purchase, disposition or sale of any material to be used or applied in or about any public works or improvement under the control or supervision of said board.

No member to hold elective office.

SEC. 110. The members of the board of public works shall be paid for the time actually employed in the discharge of their duties, a sum to be fixed by the council, not exceeding three dollars per day: *Provided*, That no member of said board shall receive over one hundred and fifty dollars per annum for his services, not inclusive of his services as member of the board of review. Each of said members shall, before entering upon the duties of his office, execute a bond to the city conditioned for the faithful performance of his duties, such bond shall be given in the penal sum of one thousand dollars, shall be executed by one or more sufficient sureties to be approved by the mayor. Any member of said board may be removed by the mayor when thereunto requested by a two-thirds vote of all the members of the council elect. Such vote of the council shall be taken by yeas and nays and shall be entered at large upon the records thereof, but the provisions of this section shall not apply to the city engineer or comptroller. The comptroller may call meetings of said board whenever he may deem it necessary, and shall be secretary of said board.

Compensation.

Bonds.

May be removed.

Comptroller may call meeting.

SEC. 111. The board of public works shall have the exclusive and entire charge and management of the construction of all main and lateral sewers, of the construction of all sidewalks, of the planking, paving, macadamizing or covering with pounded or broken stone or any other material of any street, alley or other public place, the expense of which, by this act, is made a charge upon the property especially benefited thereby. They shall have exclusive charge and management of all public buildings, and of the construction and erection thereof; and no contract for the construction of any such public works and the erection of any such public building shall be let by the council, without the recommendation of said board. The said board shall have the power to employ any person or persons to inspect or supervise the construction of all local improvements, public works and public buildings, and to fix the compensation of the person or persons so employed, and the compensation so fixed and the amount due such person or persons shall be reported to the common council by said board and shall by said council be allowed and a warrant on the treasurer of said city shall be issued for such amount and paid.

Board to have charge of all sewers, paving.

Contracts to be
authorised by
council.

SEC. 112. The board of public works shall perform such other duties as the council may direct; but said board shall not enter into any contract for making any public improvements unless authorized by the common council.

Quorum.

SEC. 113. The majority of said board shall constitute a quorum for the transaction of business.

Contracts to be
signed by
mayor.

SEC. 114. All contracts for local improvements, public works and public buildings, shall be made by said board, and shall be in the corporate name of the city, and shall be signed by the mayor and countersigned by the comptroller. All such contracts shall contain a covenant to pay all laborers employed on the job, and also for all materials used thereon, and the performance of such covenant shall be guaranteed by two or more sureties signing the contract, whose sufficiency shall be approved by the board of public works, but who shall not be liable beyond the amount of contract price specified in contract: *Provided*, The city shall not be liable for the sufficiency of the contractors or sureties. Laborers who may do work stipulated for by any such contract, and material men, who may have furnished any material for such job, may recover in an action in the name of the city, not exceeding the amount of contract price (in which no costs shall be adjudged against the city). Such suit may be brought in any court of competent jurisdiction. No action shall be brought for the benefit of laborers or material men on contract, unless commenced within one year from the completion of said work.

Shall have
exclusive
power in all
contracts

SEC. 115. Said board shall reserve the exclusive right and power in all contracts for local improvements and public works and buildings, to determine finally all questions as to the proper performance of such contracts, and as to the completion of the work specified therein; also as to the meaning and interpretation of the terms and conditions thereof, and in case of dilatory, improper or imperfect performance thereof, to suspend the work at any time, to order the partial or entire reconstruction of the same if imperfectly done or to relet the work covered by such contract or any unfinished portion thereof whenever, from unreasonable delay in performing the work, or other just cause, of which said board shall be exclusive judge, it shall deem said contract forfeited. And exclusive power is given said board to determine finally all such questions arising under any such contract heretofore or hereafter entered into, according to the true intent and meaning thereof.

Shall determine
amounts due
and recommend
payment.

SEC. 116. No claims shall be allowed or paid by the common council for labor or materials performed or furnished under any such contract for local improvements or public works and buildings, unless payment thereof shall have been recommended by the board of public works. Said board shall have the exclusive power to determine the amounts due for the performance of such work or the furnishing of such ma-

terial or for the performance of any such contract or part thereof; and no payment shall be made therefor unless recommended to the council by the said board.

SEC. 117. In case of a dispute between the parties in and to such contract for local improvements and public works or buildings, the party or parties claiming under such contract shall have a hearing before said board; and the board shall cause notice of such hearing to be served upon all the parties in and to such contract at least three days before the time fixed in such notice therefor. Such notice shall be personally served if such parties are residents of or can be found in the city of Bay City; but where such parties are non-residents of this city, service may be made by notice personally served or by publication thereof in the official newspaper of said city for at least three days prior to the time so fixed for such hearing, as said board may determine. At the time so fixed the board shall proceed summarily to hear and determine all questions, differences, grievances and claims of the several parties to such contracts, who shall be given an opportunity to be heard; and after such hearing the board shall make its decision and determination as to such grievances, differences and claims of the respective parties, and fix and determine finally the rights of the respective parties therein. Such decision shall be final.

In cases of dispute, board to adjust.

CHAPTER XII.

LOCAL IMPROVEMENTS AND ASSESSMENTS.

SEC. 118. The council of said city shall have the power to establish, construct and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city, and may regulate, and maintain those already constructed.

Council to construct sewers, drains.

SEC. 119. The expense of paving, macadamizing, planking or covering with broken or pounded stone, including the grading preparatory thereto, of any street or alley, the expense of constructing any main or lateral sewer, and the expense of constructing any sidewalk shall be assessed upon the lots and premises specially benefited thereby, according to the benefits derived therefrom: *Provided*, That if such expense shall amount to a larger sum than would be properly chargeable upon such lots or premises according to the benefits actually derived, then the excess of such costs over the benefits to accrue to such lots and premises, according to the assessment of the comptroller, shall be chargeable to the city at large, and paid out of the general fund: *Provided, further*, That if the excess cost of any such improvement over the amount prop-

Paving, etc., constructing of, assessed to lots benefited.

- erly assessable upon such lots and premises, shall exceed thirty per centum of the total cost of the improvement of such lot or premises, that fact shall be certified by the comptroller to the council, and thereupon all further proceedings in the making of such improvements shall be suspended until such time as the benefits to accrue on the lots and premises to be assessed therefor shall, in the judgment of the comptroller, equal at least seventy per centum of the entire cost of such improvements: *Provided, further,* That the cost of grading, paving, planking, macadamizing or covering with broken or pounded stone, at the intersection of any cross streets or alley crossings, shall be paid out of the highway funds of the ward in which said work is located: *Provided, further,* That whenever any street railway company shall be required by ordinance or resolution of the common council to pay the cost and expense of grading, draining, paving, macadamizing or planking its right of way the board of public works shall estimate the cost thereof and submit the same to the council for its approval; after such approval, and after letting the contract for such work, the comptroller shall set down and assess in the local tax roll for the paving, planking, or macadamizing of the street on which is such right of way so required to be paved planked or macadamized, the amount including contract price, cost of superintending and advertising made chargeable against such street railroad company for such work. The amount so assessed against such street railroad company shall be, after the review of such local tax roll, a lien on the right of way the rails, road, cars and property of such street railway company; and such tax and assessments shall be payable in the same manner, and when paid placed in the same fund as other local improvement taxes; and like proceedings, so far as practicable, regarding the assessment, the review, the collection and return of the tax so assessed, as in case of taxes for local improvements assessed according to benefits.
- Bids for improving streets.** SEC. 120. For the purpose of making any assessment for the cost of grading, paving, planking, macadamizing, or covering with broken or pounded stone, the work for such assessments shall be bid for and let separately, so that such bidding and letting shall show:
- How let.**
- To show cost of paving.** *First,* The cost of paving, grading, planking macadamizing or covering with broken or pounded stone, except that of intersection of the cross streets and alleys, and the cost of the cross [walk] walks at each intersection;
- To show cost of grading.** *Second,* The cost of grading, paving, planking, macadamizing, or covering with broken or pounded stone, of the street included within the lines of intersection of any cross street and alley;
- To show cost of crosswalks.** *Third,* The cost of cross walks at such intersection: *Provided,* In case where a side street merely opens upon and does

not extend across the street to be paved, macadamized, graded or covered with broken or pounded stone, the space formed by extending the line of the former street or alley to the middle of the latter street, shall for the purpose of this act, be treated as the spaces formed by the intersection of cross streets;

Fourth, The cost of grading, draining, planking or macadamizing of any street railway right of way, if the expense of so doing shall have been required to be paid by any such company by ordinance or resolution of the council.

To show cost of any street railway right of way.

SEC. 121. All necessary platforms, grading and curbing shall be deemed to be included as paving, planking, macadamizing or covering with broken or pounded stone.

What deemed as paving.

SEC. 122. The council shall not order any street paved, planked, macadamized, or covered with broken or pounded stone or other material, nor any sewer, or sidewalk constructed, except by a three-fourths vote of all the aldermen elect. *Provided*, That only a majority vote shall be required, whenever any such improvement is petitioned for by a majority of the resident taxpayers, as appears from the last assessment roll, whose property will probably be liable to assessment for such improvement.

Council to order paving by majority only.

SEC. 123. Whenever the council shall order the construction of any sidewalk, or any main or lateral sewer, the planking, paving, macadamizing, or the covering of any street with broken or pounded stone, the expense whereof is by this act made a charge upon the property specially benefited thereby, they shall order the work to be done and designate the place where it is to be performed, and the council may give such other directions about said work as they may deem best.

Construction of, charged to property benefited.

SEC. 124. Whenever the council shall order the performance of such work, the board of public works shall proceed to estimate the cost of such work, and may cause surveys, plans and specifications to be made, and report the same to the council with such other recommendations as they may deem advisable. As soon as the cost of such work shall be estimated by the board of public works, approved by the council, and the contract let for the performance of such work, the comptroller shall prepare a tax roll, in which roll he shall set down the description of all the lands and premises he deems to be especially benefited by the proposed work, and the amount chargeable and assessed against each description of property in the manner provided in sections one hundred and nineteen and one hundred and twenty of this act, which amount shall include the contract price of construction, and the amount as estimated by the board of public works for surveying, superintending, construction and advertising, exclusive of the intersection of any cross streets, and alley crossings. Also he shall set down in such tax roll the amount, including contract price, cost of superintending and advertis-

Board of public works to estimate cost.

Comptroller to prepare tax roll.

ing, made chargeable against the various ward highway fund, designated in the ward or wards, which such amount apportioned to the city and highway funds, shall be reported to the common council and payable to the contractor by orders on the respective city and highway funds as the work progresses, on the certificate of the engineer in charge.

Board to revise roll.

Comptroller to give notice of, board to decide objections.

SEC. 125. Upon the completion of such roll, the comptroller shall place the same before the board of public works. The said board shall revise and correct the said roll, supply any deficiencies and make any changes it deems best. The comptroller shall thereupon cause notice to be given of time and place when the said board of public works will meet to hear and decide upon objections which may be made to said roll by persons deeming themselves aggrieved thereby; such notice may be addressed to the persons whose names appear upon said roll and to all others interested therein; it shall describe generally the character of the work for which the tax is levied, and the place where the work is to be done. The following form of notice may be used:

NOTICE OF SPECIAL ASSESSMENT.

Form of notice. To A——— B———, C——— D———, and to all other persons interested:

Take notice, that the board of public works of Bay City will meet at the office of the board of public works of said city on the —— day of ——, 18——, at —— o'clock — M., to hear and decide upon all objections which may be made by persons deeming themselves aggrieved by a local tax about to be assessed for the purpose of paying the costs of (*e. g.*, constructing a sidewalk on the east side of Washington street, between Center street and Sixth street in said city) (or constructing a sewer on Fifth street between Washington street and the Saginaw River) (or for paving Water street between Third street and Twenty-third street).

Signed,

E——— F———,
Comptroller.

Notice to be published.

SEC. 126. The comptroller shall cause each notice to be published in the official newspaper for seven days preceding the time fixed for such meeting, and to be posted in the city hall lobby and in or near the court house in said city, and near the site of said proposed work in some public and conspicuous place. At the time and place appointed therefor, or at such other time and place to which said board may adjourn, the said board shall sit and hear any objections to said assessment which may have been made by any person deeming himself aggrieved thereby, and shall decide upon the same. Any member of said board shall have power to admin-

ister an oath and to examine witnesses in relation to the matters involved in such objection. Said board, upon cause shown, may at the time of said meeting diminish or correct any assessment or description appearing upon said roll: *Provided, however*, That if the amount assessed upon said roll against any description of property shall be diminished, the amount of such diminution shall be divided and added ratably to all the assessments upon said roll. They shall continue in session for at least one day, and for such longer time as may be necessary. After the said board shall have reviewed and approved said assessment roll, the comptroller shall endorse thereon the words, "local tax roll for (e. g., paving Water street between Sixth and Tenth streets) (or e. g., sidewalk on south side of Twenty-third street, between Water street and Broadway, as the case may be)," as approved by the board of public works (e. g., July fifteenth, eighteen hundred and eighty, fixing time).

Board may diminish or correct assessment.

Comptroller to endorse.

Date _____

E_____ F_____,
Comptroller.

Said roll, when so endorsed, shall be *prima facie* evidence in all courts and tribunals of the regularity of all proceedings preliminary to the making thereof, and of the validity of said tax and tax roll. The amounts so assessed upon any real property shall, as soon as said roll is approved, become a lien on such real property, and the lien for such amounts and for all interest and charges thereon, shall continue until the payment thereof.

Prima facie evidence of validity of roll.

SEC. 127. After the tax roll has been so approved, the comptroller shall deliver such roll to the treasurer, who shall retain the same in his hands for the period of thirty days from and after the first day of the next calendar month ensuing, during which period he shall receive all voluntary payments. He shall cause notice to be mailed to all persons assessed on said roll, notifying them that such roll is in his hands, and that he will receive all voluntary payments thereon without interest until the time herein provided for the return of the same to the comptroller. At the expiration of said time, the treasurer shall return said roll to the comptroller, whereupon the comptroller shall immediately annex thereunto a warrant directed to the treasurer of said city, substantially in the form following, viz.:

So approved comptroller shall deliver to treasurer.

Treasurer to notify persons assessed.

Comptroller to annex warrant.

To the Treasurer of Bay City:

You are hereby commanded to collect from the several persons named in the annexed tax roll, the several sums mentioned in the last column of said roll, set opposite their respective names, together with a collection fee of four per cent, and to retain the same in your hands for the purpose of

paying the costs of (*e. g.*, paving Water street from Third street to Twenty-third street) (or as the case may be).

Interest will be added and collected by you upon all taxes assessed upon said roll at the rate of one per cent per month or fraction of a month from the date of this warrant, as provided by law. You are further commanded to make return of said roll according to law on the _____ day of _____, 18—.

Dated _____

E_____ F_____,
Comptroller.

Treasurer to
collect amount
of assessment.

SEC. 127a. Upon receiving the said roll and warrant, the said city treasurer shall proceed to collect of the several persons named in the roll the amount assessed against them thereon, as commanded by said warrant, together with four per cent for collection. In case any person named in said roll shall neglect or refuse to pay his tax, it shall be the duty of the treasurer to levy the same by distress and sale of the goods and chattels of such person wherever the same may be found within the county of Bay. In the event of any property being seized by the treasurer as above prescribed, he shall proceed to advertise and sell the same in the manner provided by law for the sale of chattels seized by the treasurer under a warrant annexed to a city tax roll.

Treasurer to
give receipt.

SEC. 128. Whenever any tax assessed upon such roll shall be paid, the treasurer shall give a receipt therefor and note the fact upon the roll, as provided in section one hundred fifty-five of this act.

Treasurer to
collect interest.

SEC. 129. The treasurer shall collect interest on all taxes delinquent after the date of the warrant; such interest shall be computed at the rate of one per cent for each calendar month or fraction of a month, which shall elapse between the date of the warrant and the time of payment (*e. g.*, if the last date fixed in such warrant be the first day of July, one per cent interest shall be added to and collected upon all taxes assessed on said roll, paid during the month of July, and two per cent upon all taxes paid during the month of August next following). The treasurer, at the expiration of two calendar months from the date of said warrant, shall return said roll to the comptroller.

Treasurer to
return to comp-
troller.

SEC. 130. At the time fixed in said warrant for the return of said roll, the treasurer shall return the same to the comptroller, with a statement thereto attached, wherein he shall state substantially that the amounts so returned as unpaid, remain unpaid by reason of the treasurer being unable, after diligent inquiry to find sufficient personal property on which to levy and collect such taxes; which statement and return shall in all cases be made under oath and filed in the office of the comptroller. On the return of such rolls as above pro-

vided for, the comptroller shall immediately transcribe such descriptions of property upon which the several amounts of taxes appear on said roll unpaid, with the accrued interest added thereto, in a book provided and kept for that purpose. The comptroller shall deliver such transcript to the treasurer, to whom any person or party in interest may pay such unpaid tax or assessment at any time before it is put in the general county roll as provided hereafter, by paying to the treasurer the amount of the taxes so assessed, against him or his property, together with interest at the rate of one per cent per month, or fraction of a month, the same to be added and computed from the day of the month on which said transcript was delivered to the treasurer to the date of payment. Said transcript shall be returned to the comptroller on the first day of November next following, who shall proceed to add the interest accrued as above and shall assess the same against the same descriptions and property in the county tax roll as provided in section one hundred fifty-eight and such taxes shall then be levied, collected and returned, and the said premises may be sold for the non-payment thereof as provided by law for the non-payment of other taxes. No tax levied or assessed under this act shall be rendered invalid by reason of the treasurer neglecting to swear to or file the statement required by this section, or by reason of the treasurer not making such levy as sworn to by him.

SEC. 131. If any local improvement tax assessed upon any local tax roll against any person or upon any property shall remain unpaid at the time of the return of such local tax roll or transcript to the comptroller, the comptroller shall compute the interest due upon such tax up to the return day of the transcript, as provided in section one hundred thirty of this act, and the amount of such tax and the interest thereon shall be entered and assessed on the county tax roll against the same person or upon the same property. The different taxes to be assessed upon said county tax roll shall be entered in different columns, as follows: The State tax in a column headed, "State Tax," county tax in a column headed, "County Tax," and school tax in a column headed, "School Tax," and all other taxes of whatever name and nature in a column headed, "City Tax."

Unpaid tax to
be assessed on
county roll.

SEC. 132. The council may set aside any local tax roll at any time before the same is delivered to the treasurer, and direct the making of another. In the event of the tax assessed upon a local tax roll proving insufficient to pay for the work for which it was assessed, the council may order a supplementary tax roll to be made out for the purpose of supplying such deficiency. Such supplementary local tax roll shall contain the names of the same persons and the same descriptions of property as are set down in the original local tax rolls, made out for the purpose of collecting money to pay the costs

Council may
set aside any
local tax roll.

Supplementary
local tax roll

of the public work in question, as provided in section one hundred twenty-six. Said deficiency shall be taxed and assessed against each description of property upon such supplementary roll ratably, according to and in proportion to the amount assessed against the same description of property in such original roll.

Comptroller to prepare supplementary tax roll.

SEC. 133. Whenever a new local tax roll or supplementary local tax roll shall be directed to be made in the manner hereinbefore provided, it shall be the duty of the comptroller to prepare the same, and thereupon the same proceedings shall be had, the same duties performed, and the same authority be possessed by the comptroller, the board of public works, and the treasurer respectively, in respect to such new roll or supplementary roll as herein provided respecting the original of such local tax rolls.

Council may stop or change any public work.

SEC. 134. The council may at any time stop the work of any local improvements or other public work, and change the plans thereof; and it may suspend the collection of any local tax by a two-thirds vote of all the aldermen elect.

May direct the collection of, in three annual installments.

SEC. 135. Whenever the council shall order a public work to be performed to be paid for by local tax assessed according to the benefits, it may also direct that the same may be collected and paid in three equal annual installments. In such case a tax roll for such improvement shall be made out by the comptroller, showing in separate columns the amount of each installment as provided for by the common council. Such tax roll shall be delivered to the city treasurer and by him retained for the period of thirty days from and after the first day of the next calendar month after the delivery of such roll to him, during which time he shall receive all taxes thereon that may voluntarily be paid to him, at which time said roll shall be delivered to the comptroller, who shall attach his warrant thereto and deliver said roll to the treasurer, commanding him in said warrant to collect on or before two calendar months, the first installment of said tax roll, with interest thereon at the rate of one per cent per month or fraction of a month; and shall further command said treasurer to make collection of the other installments as provided in the resolution ordering said work, in like time and manner as in the case of the first installment, and shall also add thereto and collect three-fourths of one per cent interest per month for each month or fraction of a month from date of warrant to time of payment. At the expiration of the time provided for the collection of each installment, the comptroller shall make a transcript of so much of such installment as remains delinquent with interest at the rate of one per cent per month or fraction of a month and the same proceedings had as provided in section one hundred thirty until the same is transferred to the county tax roll as provided in said section, and these shall be added to the city taxes in the county

tax roll; the same collection fees shall be charged and collected in the same manner as provided in section one hundred twenty-seven *a* of this act.

SEC. 136. As soon as any local tax roll shall have been approved by the board of public works and delivered to the treasurer for collection, the treasurer shall pass from the moneys to the credit of the bond and interest local improvement fund, to the local tax roll fund for which taxes were assessed in such local tax roll, to defray the expenses of any special improvement, a sufficient amount to fill the same, which shall be payable on the presentation to the treasurer of warrants drawn on said fund as in this act provided.

Treasurer to pass to credit of bond and interest improvement fund.

SEC. 137. Whenever any moneys shall have been collected on any local tax rolls and credited to the local tax roll fund for which the same was collected, such moneys shall be immediately transferred by the treasurer to the credit of the bond and interest local improvement fund; and whenever any moneys are collected on the county tax roll for the year eighteen hundred and eighty-nine and each year thereafter, and are credited ratably to any local tax roll funds, the treasurer shall immediately thereafter credit such moneys to the said bond and interest local improvement fund, in order to create and maintain a fund for the payment of the bonded indebtedness on local improvement bonds: *Provided*, This provision shall not apply to moneys collected on account of any local improvement constructed prior to June seventh eighteen hundred eighty-nine.

Moneys credited to local tax roll to be transferred to bond and interest improvement fund.

SEC. 138. Before the twentieth day of July in each year, and not later, the comptroller shall report to the council, the additional amounts, if any, required to meet the payment of the bonds issued as aforesaid for local improvements, together with the interest thereon, maturing in the succeeding year, and all interest accruing and to become due on all such outstanding bonds in said year. Whereupon the council may order such amounts spread on the general assessment roll of the city as provided in section one hundred forty-eight of this act for other city taxes. In case at any time there shall be a surplus in said bond and interest local improvement fund, after the payment of the bonds and interest thereon, the same shall be credited to the city general fund. The bonds so issued with interest thereon, and all interest on bonds outstanding, shall be paid as they become due out of the fund herein provided.

Annual report of comptroller to council.

SEC. 139. Upon the approval by the council of the report of the board of public works of the amount due for the construction of any sewer, or grading, paving macadamizing or otherwise improving any street, the expense of which is a charge upon the property benefited thereby, the recorder shall issue a warrant, countersigned by the comptroller, to be drawn upon the fund assessed and levied to defray such

Council approving report of board of public works of public improvement, recorder to issue warrant.

expense, which warrant shall, from sixty days after the date thereof, draw interest at the rate of seven per cent per annum, payable out of the interest collected upon the tax assessed for the construction of the improvement, upon which fund said warrant shall be drawn: *Provided*, Said interest shall not be paid from any other fund, and all interest shall cease when there is sufficient money in the fund for the payment of said warrants with the interest thereon.

No tax assessed rendered invalid.

SEC. 140. No tax assessed under this act shall be rendered invalid by showing that any paper, certificate, return, affidavit, bond or record required to be made, filed or entered in any office or place is not found in the office or place where the same ought to be filed, entered or found, but until the contrary is proven, the presumption shall be in all cases that such paper, certificate, return, affidavit, bond or record was made, filed or entered as required by law in the proper office or place.

Any omission not to affect validity.

SEC. 141. Any omission to comply with the requirements of the law in relation to any of the following matters shall in no way affect the validity of any tax assessed in said city or any proceeding instituted to enforce the collection thereof, provided such tax be in other respects lawful, to wit: In assessing property as belonging to a resident person, or as belonging to a non-resident person; in giving publishing or posting either of the notices provided in sections one hundred twenty-five, one hundred fifty-three, one hundred sixty, one hundred sixty-seven and one hundred seventy of this act; in the meeting of the board of review during the first week in which it is required to meet as provided in section one hundred sixty-six of this act; in the action of the board of review or in the keeping of its records; in making indorsement upon tax rolls as required by sections one hundred twenty-six and one hundred sixty-eight of this act; in the performance of any act at a particular time, provided the same be done afterwards, and provided further, that it does not appear that the taxpayers whose tax is in question have been injured by such delay; in assessing taxes in different columns on a tax roll; in the description or name of any person; in the description of property; in the form or substance of any warrant annexed to a tax roll; in computing interest upon a tax; in making a record of any act or fact; in preserving evidence of any act or fact in any other matter, unless such omission will impose upon the taxpayer more than his fair share of the public burdens.

City not liable for expense by ordinance made a charge upon property benefited.

SEC. 142. The city shall not be liable for any improvements, the expense whereof is herein or by ordinance made a charge upon the property benefited thereby, or assessed or to be assessed upon any district, ward or other portion less than the whole city, or upon any contract made in reference thereto, except as provided in section one hundred nine-

teen and sections one hundred twenty, one hundred thirty-six, one hundred thirty-seven, one hundred thirty-eight, one hundred forty-four and one hundred forty-five of this act, but in case of an error or irregularity in the assessment or collection of such tax, or otherwise affecting the validity, or preventing or delaying the collection thereof, it shall be the duty of the council to order the reassessment of such tax according to law. Such assessment shall, if the council so directs, also provide for interest at the rate of three-quarters of one per cent per month.

SEC. 143. The expense of repairing any street heretofore or hereafter paved, planked, macadamized or covered with broken or pounded stone, and the expense of repairing any sidewalk or sewer heretofore or hereafter constructed, shall be paid out of the highway fund of the ward or wards in which said street, sidewalk or sewer is situated: *Provided*, That the same may be rebuilt at the expense of the property especially benefited thereby as provided in sections one hundred nineteen and one hundred twenty of this act. The decision of the council as to what is repairing or building shall be final.

Expense of repairing paid out of highway fund.

Proviso.

SEC. 144. The board of public works shall, before the first day of July in each year, report to the council what amount of special improvements, the cost of which, is payable by the property specially benefited thereby, as in this act provided, will, in their judgment and opinion, be necessary or be required to be made, built or constructed during the ensuing year. Upon the receipt of such report and estimate, the council may decide what amount in their judgment and discretion, they deem necessary to be raised, by issuing bonds therefor, for such purposes during said year.

Board to report amount of special improvements.

Council to judge amount necessary.

SEC. 145. After such judgment and determination by the council, which shall be entered at large upon the record of their proceedings, and in order to defray the expense of the paving, macadamizing, planking, covering with broken or pounded stone or any other material, including the preparatory grading thereof, of any street or alley, the expense of constructing any main or lateral sewer, and the expense of constructing any sidewalk, together with the cost of superintending any such work, in anticipation of the collection of the assessments and taxes to defray the expense thereof, the council may from time to time, by resolution authorize and direct the mayor and comptroller of said city to borrow such sum or sums of money as may be necessary for such purpose, not exceeding fifty thousand dollars in any one year, and to issue the bonds of the city therefor, bearing interest at a rate not exceeding five per cent per annum, payable annually: *Provided*, That the total amount of bonds which the council is thus authorized to issue, shall not exceed one hundred and fifty thousand dollars outstanding at any one time. Of the amount

Judgment of council to be entered at large.

Amount comptroller authorized to borrow. Proviso.

Bonds to be
indorsed
"Local im-
provement
Bonds."

Time to be
paid.

of the bonds which may be so issued in any one year, one-third shall be made payable in three years, one-third in four years and one-third in five years from the date of issue. The said bonds shall be indorsed "Local Improvement Bonds," and shall be numbered consecutively. No sale thereof shall be made at less than face value, or par, and the proceeds derived from the sale thereof shall be paid to the city treasurer, and by him placed to the credit of a fund to be known as the "bond and interest local improvement fund." All said bonds shall be paid at maturity, and the council shall not have power to reissue the same bonds, nor issue bonds to take up the same bonds.

CHAPTER XIII.

GENERAL TAXATION.

General taxa-
tion, amount
council may
raise.

SEC. 146. For the purpose of defraying the expenses and all liabilities of the city (except the bonded debt thereof and interest thereon), and paying the same, the council may raise annually by tax levied upon the real and personal property within said city, such sum as they may deem necessary, not exceeding two per cent, aside from the school tax, on the valuation of such real and personal estate within the limits of said city according to the valuation thereof, taken from the assessment roll for said year.

May call meet-
ing of electors
to determine
further taxa-
tion.

SEC. 147. If the council shall deem it expedient for the purposes of the city to levy a larger tax than is allowed by this section, they may, by giving ten days' notice, by publishing the same in the official newspaper published in said city, and by posting a notice thereof in each ward of the city in some public place therein, call a meeting of the inhabitants of said city, at some place therein, who may then and there vote to levy, assess and collect a further money tax upon all the real and personal property in said city, in such sums as the meeting shall direct, and such tax shall be levied, assessed and collected in the same manner as is provided for the levying and collecting of other taxes mentioned in this act: *Provided*, That no person shall vote at such meeting who is not a property holding taxpayer in said city.

Board of asses-
sors to complete
assessment
roll.

SEC. 148. On or before the twentieth day of July in each year, or as soon thereafter as the board of assessors shall have completed the assessment roll for said year, the council shall by resolution direct the amount of money to be raised by taxes in said city for the current year, for said city, highway, special improvements, street openings and other purposes, not exceeding the amount the council is authorized by section one hundred forty-six to raise for such purposes: *Provided*, That no school tax shall be voted by the board of education except by a vote of a majority of all the members

elect thereof. The board of supervisors of Bay county shall have no power to direct the amount of money to be raised in said city, upon the city tax roll for city or school purposes, except to order the reassessment of rejected taxes.

SEC. 149. It shall be the duty of the aldermen representing each ward in said city to recommend to the council the amount necessary to be raised in their wards respectively for highway purposes, not exceeding, however, one per cent upon the assessed valuation of the real and personal property within such ward, according to the valuation thereof, taken from the assessment roll for such year, which amount, if approved, the council shall order to be raised; but in case the council does not approve of the same, or in case the alderman from such ward neglect or refuse to make such recommendation, the council shall order such sum within the limits above specified, as they may deem necessary, and the several amounts so ordered shall be assessed and collected in the same roll and in the same manner as city taxes. The several amounts so raised and collected shall, by the treasurer, be placed to the credit of the highway fund of the ward in which the same was assessed, and shall be expended for highway purposes in such ward: *Provided*, That in assessing property in said city for ward purposes, the same, when situated in more than one ward, shall be assessed in the ward where the greater portion of such real estate is situated.

Aldermen to recommend amounts necessary in their respective wards.

Proviso.

SEC. 150. The council shall have power to levy, assess and collect the annual tax or assessment on all lots, premises or subdivisions thereof not using or taking water, fronting upon or adjoining any line of water pipe, of three cents per lineal foot front; and if not subdivided, two dollars per one hundred feet front, the amount thereof when collected, to be credited to the water works fund: *Provided*, That any lot or premises fronting upon or adjoining more than one line of water pipe shall be assessed for only one of such lines of pipe, which assessment shall be for the line of pipe fronting upon or adjoining the longest line of such lot [or] on premises.

Council may assess any property on line of water pipe not taking water.

Proviso.

SEC. 151. Said comptroller shall proceed to assess a tax upon the city tax roll for the total amounts of the taxes ordered to be raised as specified in sections one hundred forty-six and one hundred forty-eight; and so in like manner the comptroller shall proceed to assess a tax upon said roll for the amount ordered to be raised for school purposes, according and in proportion to the individual and particular estimate and valuation specified in said roll, entering the said school tax in one column to be headed "school tax," and in like manner the city and highway taxes in separate columns to be headed respectively "city tax," "highway tax, first ward," "highway tax, second ward," "highway tax, third ward," "highway tax, fourth ward," "highway tax, fifth ward," "highway tax, sixth ward," "highway tax, seventh

Comptroller to assess for total amounts.

School purposes.

ward," "highway tax, eighth ward," "highway tax, ninth ward," "highway tax, tenth ward," "highway tax, eleventh ward;" for the purpose of avoiding fractions in excess of said amounts, the comptroller may add thereto, not more than one per cent on the amount to be raised; said excess shall be paid into and belong to the contingent fund of the city. The taxes assessed upon each valuation shall be extended and added together in the last column of said roll upon the right hand side of the page opposite each valuation.

Comptroller to
annex warrant
commanding
treasurer to
collect.

SEC. 152. To such city tax roll the comptroller shall annex a warrant signed by him, commanding the treasurer to collect from the several persons named in said roll, the several sums mentioned in the last column in said roll, opposite their respective names, and to retain the same in his hands for the purposes therein specified, and to return said roll to said comptroller on the first day of November next following. Said warrant may be in the following form:

Form of
warrant.

To the Treasurer of Bay City:

You are hereby commanded to collect from the several persons named in the said roll, the several sums mentioned in the last column in said roll opposite their respective names, and retain the same in your possession for the following purposes:

For city funds.....\$.....
For school funds.....
For highway funds, first ward.....
For highway funds, second ward.....
For highway funds, third ward.....
For highway funds, fourth ward.....
For highway funds, fifth ward.....
For highway funds, sixth ward.....
For highway funds, seventh ward.....
For highway funds, eighth ward.....
For highway funds, ninth ward.....
For highway funds, tenth ward.....
For highway funds, eleventh ward.....

You are further commanded to return said roll to me on the first day of November next.

Dated, _____

E_____ F_____

Comptroller.

Said city tax roll and warrant shall be delivered to said treasurer on or before the twentieth day of August. The amount so assessed upon said city tax roll upon real property shall, as soon as said city tax roll is approved, become a lien upon such real property, and the lien for such amounts and for all interests and charges thereon, shall continue until the payment thereof.

SEC. 153. The treasurer shall forthwith cause notice to be served upon or mailed to each person whose name appears upon said roll, notifying him that said city tax roll is in the hands of said treasurer, that a tax assessed thereon against such person is due, and that if said tax is not paid on or before the thirtieth day of September then next ensuing, interest will be added thereto, at the rate of one per cent a month or fraction of a month thereafter until paid. Said notice may be in the following form:

Treasurer to
notify each
person on roll.

To N——— B———:

Form of
notice.

Take notice, that the city tax roll of Bay City, for the year 18— is now in the hands of the treasurer of said city; that a tax assessed thereon against you is now due; that if said tax is not paid on or before the thirtieth day of September, instant, interest will be added at the rate of one per cent a month or fraction of a month thereafter ensuing before the payment of said tax.

Yours, etc.,

C——— D———,
Treasurer.

In case any person named in said roll shall refuse or neglect to pay any tax imposed on personal or real estate belonging to him, the treasurer shall levy the same by distress and sale of the goods and chattels of said person wherever the same may be found within the county of Bay, and thereupon the treasurer shall possess all the powers, be subject to all the duties conferred and imposed by sections thirty-five and thirty-eight of an act entitled, "An act to provide for the assessment of property and the levy and collection of taxes thereon," approved March fourteen, being act number nine of the session laws of eighteen hundred and eighty-two; and all acts revisionary or amendatory thereof, and any general law of this State now in force or which may hereafter be enacted.

Refusal or
neglect to pay.

SEC. 154. Upon all taxes unpaid after the thirtieth day of September, interest shall be computed at the rate of one per cent for each month or fraction of a month that shall elapse after said thirtieth day of September, down to the time of payment, *e. g.*, if a tax remain unpaid after said thirtieth day of September, and is paid any time during the month of October, one per cent will be added and collected. Such interest shall become a part of said tax, and both tax and interest shall be collected by said treasurer in the same manner and at the same time.

Unpaid taxes,
interest to
be computed.

SEC. 155. When a tax assessed upon any tax roll is paid or collected by the treasurer, he shall give a receipt therefor, and shall write the word "paid" in ink with date of payment upon such roll opposite thereto, and shall indicate upon said roll opposite the tax the amount of interest collected in ink. If the tax upon any particular description of land upon said

Treasurer to
give receipt for
taxes paid.

roll shall be paid only on a part of the land or upon an undivided interest therein, that fact shall be fully stated upon said roll, so that it may, by inspection of the roll, be readily determined upon what part or interest the tax has been paid, and upon what part or interest it has not been paid. The treasurer shall keep a tax collection book, in which he shall enter in separate columns, the name of the party paying the tax, page of tax roll, amount of tax paid, amount of interest paid, and date of payment of tax.

Treasurer to return roll to comptroller.

SEC. 156. Within two days after the return day mentioned in said warrant, the treasurer shall return said roll to the comptroller. All taxes assessed and collected as school taxes shall be applied to fill the school fund; all taxes collected and paid as city taxes shall be applied to fill the city fund, and taxes assessed and collected as highway taxes in each ward shall be applied to fill the highway fund of that ward. The county tax roll hereinbefore mentioned shall be treated and regarded as the assessment roll of Bay City, in connection with the matter of equalization of assessment rolls by the board of supervisors, and for all the purposes of assessing the county and State taxes apportioned to the city.

Clerk of board of supervisors to certify amount apportioned.

SEC. 157. The clerk of the board of supervisors of Bay county shall, immediately after the apportionment of the State and county tax by the board of supervisors at its annual session, as provided in section nine hundred ninety-seven of the compiled laws, and all acts revisionary or amendatory thereof, and any general law of this State now in force or which may be hereafter enacted, make out a certificate of the amount apportioned, to be assessed therefor upon the property of the city, and deliver the same to the comptroller. The comptroller shall proceed to assess taxes for the same upon the "county tax roll," in the manner hereinbefore provided for the assessment of the taxes on the city [tax] roll, except as herein otherwise provided.

Unpaid city taxes comptroller to enter on county roll.

SEC. 158. If any tax assessed upon the city tax roll against any person or upon any property, real or personal, shall remain unpaid at the time of the return of such roll to the comptroller, the comptroller shall enter and assess the amounts of such taxes, with the interest accrued thereon upon the county roll opposite to and against the same person and property. The different taxes to be assessed upon said county tax roll shall be entered in different columns as follows: The state tax in a column headed "state tax," county tax in a column headed "county tax," and school tax in a column headed "school tax," and all other taxes of whatever name and nature in a column headed "city tax."

Comptroller shall deliver county roll to treasurer.

SEC. 159. The comptroller shall deliver the county tax roll, with his warrant attached, to the treasurer on or before the first Monday of December; said warrant shall be under the hand of the comptroller, commanding such treasurer to collect

from the several persons named in said roll the several sums mentioned in the last column of said roll opposite their respective names, and to retain in his hands the amount receivable by law into the city treasury for the purposes therein specified, and to account for and pay over to the county treasurer the amounts therein specified for State and county purposes, on or before the first day of February, then next ensuing. Such warrant may be in the form given in section one hundred fifty-two of this act, except as herein otherwise provided.

SEC. 160. Upon receiving said county tax roll and warrant said treasurer shall forthwith cause notice to be served upon or mailed to each person whose name appears upon said roll, notifying them that the county tax roll is now in the hands of said treasurer; that a tax assessed thereon against such person is now due, and that if said tax is not paid on or before the thirty-first day of December then next, interest will be added thereto at the rate of one per cent a month or fraction of a month; said notice may be in the form prescribed in section one hundred fifty-three of this act, except only the title of the roll and date from which the interest is to be computed. The treasurer shall possess the same power and be charged with like duties under and in respect to the county tax roll and warrant thereto annexed, as is prescribed in respect to the city tax roll and warrant thereto annexed, and he shall also possess all the powers, be subject to all the liabilities, discharge all the duties prescribed by law of township treasurers in respect to the collection of taxes, the paying over and accounting for moneys received for taxes, the return to the county treasurer of property delinquent for taxes, and in respect to all other matters pertaining to the subject of taxes and taxation, except as herein otherwise provided.

Treasurer to
notify persons
on county tax
roll.

SEC. 161. Upon all taxes unpaid after the thirty-first day of December, additional interest shall be computed at the same rate, added to the tax, and collected by the treasurer in the same manner as provided in section one hundred fifty-four, in respect to taxes assessed upon the city tax roll. Upon all taxes so remaining unpaid after the thirty-first day of December, the treasurer shall add four per cent for collection fees.

Unpaid additional
interest
computed.

SEC. 162. The money collected by the treasurer upon the county tax roll, shall be applied ratably to fill the city, school, highway, local tax roll and other city funds.

How money
collected
applied.

SEC. 163. The comptroller, at the time of delivering any tax roll to the treasurer, shall charge the amount of taxes assessed thereon to the treasurer and when such roll shall be returned, the treasurer shall be credited with the amount of tax remaining delinquent. The interest collected by the treasurer shall be credited by the comptroller ratably to all the funds mentioned in the warrant annexed to such roll. At

Comptroller to
charge amount
of tax roll to
treasurer upon
delivery.

the time of the return of the county roll to the county treasurer, the comptroller shall charge said county treasurer the amounts of said return roll, and at the time of any settlement between the city treasurer and county treasurer, said county treasurer, on paying over any sums due Bay City, shall furnish a full statement to the comptroller and treasurer of the amounts of such taxes and interest collected and paid over (giving each fund separate); the same shall be credited up by the treasurer and comptroller to the different funds, as provided in section one hundred sixty-two of this act.

Public property
not to be assess-
ed.

SEC. 164. No public square, park, or other public ground, and no property owned by the city or union school district of said city shall be assessed for any tax or assessment whatever, except for local taxes and improvements, and for such taxes and improvements such property shall be assessed in like manner as the property of private individuals.

General tax
laws to govern.

SEC. 165. The provisions of the general tax laws of the State of Michigan, and all other provisions of the general statutes of this State upon the subject of taxation as they now exist or may hereafter exist, shall apply and govern in the assessment and collection of the general taxes in said city, and in the return and sale of property delinquent therefor, (except as herein otherwise provided) shall also apply and govern in respect to the powers, duties and liabilities of officers, and the rights, duties and liabilities of persons and property touching and concerning such taxes, and shall have the same force and effect in said city as in the several townships in this State, so far as the same may be applicable, except as herein otherwise provided.

Board of
review, who to
be members.
Quorum.

Time of meet-
ing.

SEC. 166. The board of review shall consist of the board of assessors, the members of the board of public works (except the city engineer), and the city attorney, five of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day; said board shall meet on the first Monday after the fifth day of July, at the council chamber in said city, at which time the board of assessors shall submit to said board the said general assessment roll. During the week commencing on said day, said board may, of their own motion, revise said assessment roll, and may increase or diminish valuations therein, add the names of persons and descriptions of property improperly omitted from said roll, and affix the valuations of such property, and they shall correct all errors and supply all deficiencies found therein. Said board of review shall meet on the second Monday after the fifth day of July at the same place, and upon the request of any person, his agent or attorney, considering himself aggrieved, and sufficient cause being shown, may reduce the assessment in such amount as to the said board may seem just and equal, and they may examine on oath any person touching the matter. After the expiration of the first week,

To hear com-
plaints.

during which said board is required to sit, it shall have no power to increase any valuation therein or add the name of any person or the description of any property thereto, except upon notice to the person to be affected thereby, served, in the case of a resident of the city, personally or by leaving the same at his usual place of abode twenty-four hours before any action is taken by the board in respect to such assessment, and in case of a non-resident by one publication in the official newspaper of the city. Said board shall continue in session at least six days during said second week, and as many days thereafter as may be necessary. Any member of said board may administer an oath and examine witnesses in relation to the matters requiring investigation before said board. Said board shall keep a record of its proceedings in reducing or increasing the valuation of property assessed upon such roll.

Who may administer oaths.

SEC. 167. Two weeks before the time hereinbefore fixed before the first meeting of the board of review in each year, the comptroller shall cause a notice of the time and place of such meeting to be given by publishing the same for two successive weeks in the official newspaper, and by posting the same in three public places in each ward of said city.

Comptroller to publish notice of review.

SEC. 168. After said board of review shall have completed the revision of said roll, said comptroller shall endorse and sign a statement upon each book of said roll to the effect that the same is the general assessment roll for the "——— ward" of said city, for the year in which it has been prepared, as approved by the board of review. Said statement may be in the following form, viz.:

Comptroller shall endorse and sign statement upon completion of revision.

General assessment roll of Bay City ——— ward for the year eighteen ———, as approved by the board of review.

Form of statement.

Dated, ———

_____,
Comptroller.

Upon the completion of said roll and indorsement of the same in manner aforesaid, the same shall be conclusively presumed by all courts and tribunals to be valid and to have been made according to law; the comptroller shall then cause a copy thereof to be made, and such copy shall be used and known as the county tax roll, and said original assessment roll may thereafter be used and known as the city tax roll.

SEC. 169. If the treasurer shall not, within the time allowed in his warrant, collect the taxes assessed against personal property upon the county tax roll, an action may be brought therefor in any court of competent jurisdiction. Such action shall be brought under the direction of the city attorney in the name of the city. If personal service of pro-

Unpaid taxes, treasurer may bring action.

City not to give bond to obtain writ of attachment.

cess cannot be obtained upon the person bound to pay such tax within the county of Bay, upon filing an affidavit showing the nature of the claim and that such service cannot be obtained, an attachment may issue as in civil cases against the lands, and tenements, goods and chattels of such person. All subsequent proceedings in such action shall be conducted as in other civil cases, commencing by writ of attachment. Such action may be brought in any county when personal service can be obtained upon the defendant, or any one of them, if there be more than one. The court before whom said action will be tried shall have power to issue process to enforce the collection of any judgment rendered therein, the same as in other civil cases. The city shall not be bound to give any bond in order to obtain the issue of a writ of attachment in the action or upon any appeal, writ of error, or other proceeding taken therein. Upon the trial of such action, such county tax roll and warrant annexed thereto, or a copy thereof, duly certified, shall be *prima facie* evidence of the right of the city to recover for the taxes assessed upon such roll. The county treasurer shall attend upon such trial and produce such county tax roll and warrant in evidence whenever required by the court trying the same. If it shall be made to appear upon such trial that any part of such tax is invalid, the city may recover for the remainder of the amount assessed. The party prevailing in such action shall be entitled to costs as in other cases. The city shall be entitled to recover interest upon such tax at the rate of three-quarters of one per cent for each calendar month or fraction of a calendar month elapsing after the thirty-first day of December of the year in which said county tax roll shall have been made.

Treasurer to publish notice of time of receiving taxes.

SEC. 170. The treasurer shall, two weeks before the time fixed by law for the delivery of any tax roll to said treasurer, give notice by publishing the same in the official newspaper of said city, and by posting the same in three public places in each ward of said city, of the time when such treasurer will receive such roll and of the time when by law he will be required to receive the taxes thereon: *Provided*, That any defect in said notice, or any omission to comply with the provisions of this section, shall not invalidate said tax roll, or any measures thereafter to be taken to enforce collection of the taxes thereon assessed. Such notice shall be published in said official newspaper for four successive weeks.

CHAPTER XIV.

THE POLICE COURT.

Police justice.

SEC. 171. There shall be a police justice in the city of Bay City; the first election for said justice shall be held on the first Monday of April, eighteen hundred and eighty-seven,

to be conducted in the same manner as justices of the peace are elected at the charter election of said city; and the first incumbent of said office shall hold his office from the time he is elected and has filed his oath of office until the first day of July, in the year eighteen hundred and ninety-one; and at the charter election of said city at the interval of every four years thereafter, the said justice shall be elected in the manner provided for the election of justices of the peace in said city, to hold his office for four years, the term of which shall commence on the first day of July in the year in which he is elected, and in case of a vacancy occurring in said office of police justice, the common council shall order a special election, giving twenty days' notice thereof, to fill the vacancy, and said police justice shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the constitution of this State, before some officer, authorized by law to administer oaths, and deposit the same with the clerk of the county of Bay, who shall file and preserve it in his office: *Provided*, That until the first election of such justice, the board of police commissioners may designate one of the justices of the peace of said city to perform the duties of such police justice.

Term of office.

Vacancy.

Provido.

SEC. 172. The police court shall have exclusive and original jurisdiction to hear, try and determine all criminal cases wherein the crime, misdemeanor or offense charged shall have been committed within the corporate limits of the city of Bay City, or upon any lands, tenements or hereditaments owned or occupied by or under the authority of the city of Bay City, within the county of Bay, and which crime, misdemeanor or offense would be, now or hereafter, cognizable by a justice of the peace, if the same had been committed in any other part of the State, to entertain, conduct and dispose of all preliminary examinations into crimes, misdemeanors or offenses which shall have been committed within the corporate limits of Bay City, to hear, try and determine, or otherwise lawfully entertain, conduct and dispose of all cases or proceedings arising within the corporate limits of the city of Bay City, under the laws of this State, relative to disorderly persons, illegitimate children, fugitives from justice from other States and foreign countries, the preservation of the public peace and the prevention of crime: *Provided*, however, That this act shall not in any wise be construed to interfere with or affect any of the powers of, or the authority conferred by law upon the grand jury of the county of Bay.

Police court exclusive jurisdiction in criminal cases.

Provido.

SEC. 173. The police court shall have exclusive jurisdiction to hear, try and determine cases arising under all the ordinances and by-laws of Bay City, now in force, and which may hereafter be adopted by the common council; and any persons arrested for a breach of any such by-laws and ordinances shall be discharged from custody upon entering into

Exclusive jurisdiction in cases under ordinances.

a recognizance in a sum not exceeding the penalty for the violation of the same, and with sureties satisfactory to the officer taking said recognizance, conditioned for the appearance of such person to answer any complaint that may be preferred against him or her. Said police justice shall have the power to take said recognizance, and it shall be the duty of the officer having such person in custody to produce him before said justice for the purpose of giving such bail when required so to do.

Justice to issue
all writs and
process.

SEC. 174. The said police justice shall have power to issue all lawful writs and process, and to do all lawful acts which may be necessary and proper to execute and carry into complete effect the powers and jurisdiction given by this act, and especially to issue all writs and process, and do all acts which justices of the peace within their respective jurisdiction may issue and do by the laws of this State, and shall, as far as applicable, be governed by the provisions of law regulating criminal cases and proceedings before justices of the peace. The practice in the police court shall, subject to the provisions of this act, conform in general to the practice in similar proceedings in courts held by justices of the peace, but neither the police court nor any police justice have any power or authority to grant new trials or to vacate or arrest any judgment, or to stay any proceedings thereon. No person shall be allowed to appear or practice in the said police court as an attorney and counselor unless he shall be an attorney and counselor at law.

Persons not to
practice unless
attorneys.

Trials to be
public.

SEC. 175. Trials and examinations in the police court shall be public, but whenever it shall appear that upon the trial of any cause or upon examination, evidence of licentious, lascivious, degrading or peculiarly immoral act or conduct will probably be given, the police justice presiding at such trial and examination may, in his discretion, require and cause every person, except those necessarily in attendance thereon, to retire and absent himself or herself from the court room during such trial or any portion thereof; and no person under the age of sixteen years shall be permitted at any time to remain during the trial of any cause, or during any examination in the police court, or during any portion thereof, in the court room in which such trial or examination is pending unless such person is accompanied by one of its parents or guardians or is required by law or the process of the court to be present or in attendance thereon. The office of said justice shall be open daily (except Sundays and holidays) at reasonable hours for the transaction of the general business thereof, but said court shall be deemed in law always open for the purpose of taking complaints, issuing warrants and admitting persons to bail. It shall be the duty of the said police justice to attend and open the police court, and hold sessions thereof at such times as the common council of Bay City by ordinance prescribes, and then and there examine into and determine all cases arising

ing under any of the ordinances of said common council which shall be brought before the police court, and of which such court shall, by the terms of this act, have jurisdiction. And it shall be the duty of all officers having in custody or confinement any person charged with violating any of the ordinances of the common council to promptly bring such prisoner before the police court for trial or other lawful actions, unless such prisoner shall be held under or by virtue of a warrant, capias or other process of another court, magistrate or officer.

SEC. 176. The police court shall have power to punish as a criminal contempt any person who shall be guilty of any act, conduct or behavior for which such person would be punishable, as for a criminal contempt in any court of record if such act had been committed within its jurisdiction, and the procedure in the police court in cases of contempt shall be substantially the same as in courts of record, and like punishment may be inflicted therein, except that no fine shall exceed one hundred dollars.

Police court to punish criminals same as courts of record.

SEC. 177. The members of the police force of Bay City shall have the power, and it shall be their duty, to serve all process issued and to execute all orders lawfully made by the police court or the police justice; and they shall perform all the duties of conveying prisoners from any jail or other place of detention or imprisonment to the police court or the police justice, for complaint, arraignment, examination, trial, sentence or other proceeding, and from the police court or police justice to the Bay county jail, under the direction, order, process, judgment or sentence of the police court, or of the police justice, and they shall be ministerial officers of the police court and of said police justice.

Police force powers and duties.

SEC. 178. It shall be the duty of the police commissioners of Bay City, upon the written request of the police justice, to detail one or more of the police force of said city to attend the police court, and may detail such additional [policemen] policeman to attend the police court as shall from time to time be deemed necessary and proper. But in case any person shall be convicted and sentenced or committed to the house of correction in Detroit, reform school, prison reformatory or any other place of detention, reformation, correction or punishment, such police force shall deliver such person so sentenced or committed to the sheriff of Bay county at the Bay county jail, and the sheriff shall take and convey such person so convicted and sentenced or committed to such house of correction, reform school, reformatory or other place of correction, detention or punishment, there to be delivered in pursuance of such sentence or commitment.

Police commissioners to detail officer for police court.

SEC. 179. If it shall appear to the police court or to the police justice, by affidavit or other appropriate evidence upon oath, or by testimony of any witness or witnesses given in the course of any trial or examination in the police court that

Material witnesses may be committed to custody of chief of police.

any person is a material witness in any case, matter or proceeding pending in said court, and will probably be a necessary witness therein, either before the police court or any other court, and that there is reason to believe that such person will not appear and testify in such case, matter, or proceeding, unless security be given by such person to so appear and testify, the police court or police justice may by appropriate process attach such person and commit him or her to the custody of the chief of the police force of Bay City, to be held and detained according to law, as a witness in such case, matter or proceeding, until the further order of the police court or justice, but no longer than thirty days from the date of the warrant or commitment, unless such person shall give bail in such sum and with surety or sureties as shall be approved by the police justice of said court, conditioned, at the option of the party giving the same, either to remain openly for [the] thirty days next succeeding the date of the warrant or commitment within the corporate limits of the city of Bay City, or to appear and testify from time to time in such case, matter or proceeding therein, without further notice, as may be required.

Warrant, writ,
etc., to be in
name of the
people of the
State of Michi-
gan.

SEC. 180. Any warrant, writ or other process of the police court shall be in the name of the people of the State of Michigan; shall be addressed to the chief of police or the police force of Bay City; shall be attested by the police justice; shall be returnable before the police court; shall be signed by the police justice issuing the same, and may, without backing or indorsement by any other court, magistrate or officer, be served or executed anywhere in the State of Michigan by any policeman of said city.

Police justice
may require
any person to
appear before
him, as witness.

SEC. 181. If the police justice shall have probable cause to suspect that any indictable crime, misdemeanor or offense has been committed within the corporate limits of Bay City, and that any person within the lawful jurisdiction of the process of the police may be able to give any material evidence respecting such crime, misdemeanor or offense, he shall have power and authority in his discretion to require such person to appear before him as a witness and answer upon oath such questions as shall be put to him or her touching such crime, misdemeanor or offense, or his or her knowledge or information of the same, or any material fact involved therein; and the proceeding to summon said witness and to compel him or her to testify shall, as far as practicable, be the same as proceedings to summon witnesses and compel their attendance and testimony in ordinary cases, matters and proceedings in the police court, and if upon such inquiry the police justice shall be satisfied that such crime, misdemeanor or offense has been committed, and that there is probable cause to suspect any particular person or persons to be guilty thereof, he may cause the apprehension of such person or persons, by

proper process, and upon the return of such process served or executed, the police justice shall proceed with the case, matter or proceeding in like manner, as upon formal complaint by the injured party or other person. And in respect to communicating or divulging any statements made by such witness during the course of such examination, the police justice shall be governed by the provisions of law relative to grand jurors.

SEC. 182. Said police justice shall receive an annual salary of eighteen hundred dollars, to be paid by Bay City in the first instance, but the board of supervisors of Bay county shall annually make a reasonable allowance to said city towards the payment of said salary of said police justice and the expense of said police for the services rendered by the police force of said city in prosecutions under the general laws of this State, which allowance shall be equal to three-quarters of the expenses incurred on account of the expenses of said court and police service: *Provided*, That such allowances shall not exceed three thousand dollars per annum.

Police justice.
Salary of.

Proviso.

SEC. 183. In case of a vacancy in the office of such police justice, or in case of his absence, sickness, or disability to act for any cause, a justice of the peace of Bay City, to be designated for that purpose by the board of police commissioners of Bay City, shall perform the duties of such police justice during the sickness, absence and in case of such inability, and shall hold such police court, and he shall be paid for such services as he may render by Bay City and Bay county as aforesaid. But neither such police justice nor justice of the peace shall receive any fees, costs or other emoluments for services as such police justice whatever.

Vacancy.

Board of police
commissioners
to fill.

SEC. 184. The justice of the police court shall keep a true record of the proceedings of said court, and of the business of his office in journals, calendars or other proper books to be provided for such purpose, which books shall be of such forms as shall be approved by the police justice. He shall file and safely keep all books, bonds, recognizances and papers belonging to the police court or to his office, and shall within forty-eight hours after the receipt of any fine or costs, pay the same to the county treasurer of the county of Bay, and take a receipt therefor, except such fines and costs as shall be imposed and received in cases arising under the city ordinances above mentioned, which shall be paid in like manner and within the same period to the city treasurer of the city of Bay City, and by him credited to the poor fund. All moneys collected by the sheriff of Bay county for fines and costs imposed by the police court in cases arising under city ordinances, shall within forty-eight hours be paid to the city treasurer, and credited to the poor fund.

Shall keep
record of pro-
ceedings.

Money col-
lected to be
paid to county
treasurer.

Money col-
lected by sheriff
to be paid in to
city treasurer.

Appeals from
police to circuit
court.

SEC. 185. In all cases determined in the police court, an appeal may be taken to the circuit court for the county of Bay in the same time and manner and with the same effect as prescribed by the general laws of the State for appeals from justices of the peace to the circuit court in criminal cases.

Jurors and pro-
ceedings in
police court.

SEC. 186. Jurors shall be selected and summoned in the police court, and all proceedings not herein otherwise provided for shall be conducted the same as in justice courts, provided that the policemen of Bay City shall perform the duties in said police court which are or may be performed by sheriffs or constables in such justices' courts.

Jury may be
demanded in
trial for viola-
tion of ordin-
ance.

SEC. 187. In all trials in the police court, of any person charged with the violation of any by-law or ordinance of the common council, either party shall be entitled to a jury of six persons, if demanded, and all the proceedings in and relative to the cause shall, except as herein otherwise provided, be in conformity, as near as may be with the mode of proceeding in criminal cases cognizable by justices of the peace, and in all such cases the defendant shall have the right of

Right of appeal.

appeal from the police justice court to the circuit court for Bay county on the same terms as is or may be required by law in appeal from justice courts in criminal cases.

Warrant for
violation of
ordinance.

SEC. 188. In prosecutions for violation of any of the by-laws and ordinances passed by the common council, upon complaint being made in writing by the city attorney, or the oral or written complaint of any other person upon oath before the police justice, setting forth the substance of the offense complained of, the police justice shall issue a warrant in the name of the people of the State of Michigan for the apprehension of the offender, directed to the chief of police of Bay City, or any constable of the county of Bay, and such process may be executed by any one of said officers anywhere within this State, and shall be returnable the same as other similar process issued by justices of the peace in townships.

Service.

Pleading.

SEC. 189. Upon bringing the person so charged before the police justice, he shall plead to said complaint, and in case of his refusing to plead, or standing mute, the police justice shall enter a plea of not guilty for the person so charged, and upon the said complaint and plea a trial shall be had and upon conviction of said offender and imposition of a fine only, with or without costs, it shall be the duty of the police justice to issue a commitment directed to the chief of police or any constable of the county of Bay, reciting the sentence and the substance of the offense as charged in the warrant, commanding the commitment of the person so offending until the expiration of the term named in the sentence, unless

Offender to be
committed
until payment.

Imprisonment.

said fine and costs are sooner paid, or until he be discharged by due course of law; and in case where imprisonment alone shall be imposed on the person so convicted, the said police

justice shall issue a commitment directed as aforesaid, commanding his commitment until the expiration of the time for which he shall be sentenced for imprisonment, or until he be discharged by due course of law; and in [cases] case where both fine, with or without costs, and imprisonment, or imprisonment in default of payment of fine or costs, are imposed upon the person so convicted by the judgment of such police justice, he shall issue the necessary process to carry said judgment into effect: *Provided*, That the common council may remit such fine in whole or in part if it shall be made to appear that the person so committed is unable to pay the same in money or labor. All fines and costs imposed and collected by the police justice for the violation of any ordinance or by-law of the common council shall be paid into the city treasury and belong to the poor fund.

Fine and imprisonment.

Council may remit fine.

Fines to be paid into poor fund.

SEC. 190. In prosecutions for the violation of any of the by-laws or ordinances of said city, it shall not be necessary to plead or set forth any such by-law or ordinance or any of the provisions thereof, in any complaint, pleading, warrant, writ, or process, but the same shall be deemed well and sufficiently pleaded and set forth, by reciting the title to any such ordinance or by-law, and the date of its passage or approval, and the court [or] officer before whom such prosecution shall be tried, shall take notice without proof of the existence and provisions of such ordinance or by-law, unless the existence or validity of such by-law or ordinance shall be specially put in issue by the plea or notice of the defendant.

Ordinance may be set forth by title and date of passage.

SEC. 191. The corporation of Bay City shall be allowed the use of the common jail of the county of Bay for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the council, and all persons committed to said county jail by the police justice of said city for any violation of a by-law or ordinance of said council, shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged as in other cases.

City to be allowed use of, Bay county jail.

CHAPTER XV.

MISCELLANEOUS.

SEC. 192. In the construction of this act the following definition of terms and words shall be observed and understood except where some other meaning is indicated by the context, viz.: "Official newspaper" means the newspaper which the common council shall designate as such, as provided in section two hundred eighteen of this act; "treasurer" means the treasurer of Bay City; "comptroller" means the comptroller of Bay City; "council" means the common

Definition of terms.

"Official newspaper."

Treasurer.

Comptroller.

Council.

Council
chamber.
City.
Local tax
roll.

council of Bay City; "council chamber" means the room where the common council usually holds its meetings; "city" means Bay City; "local tax roll" means an assessment or tax roll upon which persons or property are assessed for a particular public work, and the assessment is made on the basis of benefits to such persons or property conferred by the said work; "city tax roll" means the roll upon which the general city and school fund and the general ward highway funds are first assessed; "county tax roll" means the roll upon which the State and county taxes apportioned to said city are first assessed; "compiled laws" means the edition of the compiled laws published in the year eighteen hundred and seventy-one; "the charter" means this act.

County tax
roll.

Compiled
laws.

The charter.

Money to be
drawn by order
of council.

Shall specify
purpose
amount
drawn for.

Treasurer to
keep accurate
account.

Warrants sub-
ject to inspec-
tion of comp-
troller.

SEC. 193. All money drawn from the treasurer (except school funds) shall be drawn in pursuance of an order of the council, by warrant signed by the recorder and countersigned by the comptroller. Such warrant shall specify for what purpose the amount therein named is to be paid, and the comptroller shall keep an accurate account of all warrants paid by him. The treasurer shall keep an accurate account of and report to the comptroller on the first of each month, a detailed statement of all taxes and interest collected and moneys received and disbursed. Said books shall be open to the inspection of any elector of the city at all reasonable hours. All warrants paid by the treasurer shall at all times be subject to the inspection of the comptroller, who shall give the treasurer credit for moneys disbursed. The treasurer shall exhibit to the comptroller an annual statement at the end of the fiscal year, March twenty-second, and at such other times as the council may require, a full and fair account of the receipts and expenditures from and after the date of last annual report, and also the state of the treasury; which account shall be referred to a committee for examination, and if found correct shall be filed. The comptroller shall render statements of the accounts of the city appearing upon his books whenever required by the council.

Bond, note,
etc., not to be
given except as
authorized.

SEC. 194. No bond or note, other obligation or evidence of indebtedness of said corporation shall be given or issued by said corporation except as provided in sections thirty-seven, thirty-eight, thirty-nine, forty, forty-one, one hundred forty-five, and one hundred ninety-three of this act, nor by any officer of the corporation in his official capacity, whereby the city shall become obligated to pay any sum of money; but the council may indorse all accounts running or presented against the city, the amount allowed by them thereon.

Deeds, convey-
ances, etc., to
be executed by
mayor.

SEC. 195 All corporate deeds conveyances or mortgages, in the name of the city shall be executed by the mayor and recorder.

SEC. 196. All official bonds of said city, except as herein otherwise provided, shall be deposited with the recorder of said city for safe keeping, and it shall be his duty to deliver the same to his successor in office. All other bonds of said city and all contracts of said city shall be filed with the comptroller.

Bonds to be deposited with recorder.

SEC. 197. The supervisor of each ward shall have and exercise within his ward all the powers, authority and functions of supervisors of the townships, as now provided or may be hereafter provided by law, except as herein otherwise provided, and each of them, with the comptroller, shall be a member of the board of supervisors of Bay county, and as such shall be entitled to the same compensation, and paid in the same manner as other members of said board.

Supervisors, powers of.

SEC. 198. The city constables shall have the powers and perform the duties of township officers elected under the general laws of this State, subject to the provisions of this act; and the police shall have the power to serve and execute all process issued by the police justice.

Constables, power and duties of.

SEC. 199. The supervisors, justices of the peace, recorder and all other officers of said city who are required to perform the duties of township officers of this State, shall take the oath, give the bonds, perform like duties and receive the same pay, and in the same manner, and be subject to the same liabilities as is provided for the corresponding township officers, except as is otherwise provided in this act or may be prescribed by ordinance.

Bond, duties and compensation of supervisors, justice of peace, recorder.

SEC. 200. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, except judicial officers, shall have such other rights, powers, duties and liabilities, subject to and consistent with the provisions of this act, and shall give such security as the council may deem expedient and shall prescribe by ordinance or resolution.

Powers, duties, etc., subject to ordinances of council.

SEC. 201. The common council shall audit and allow all accounts chargeable against the city except as in this act otherwise provided; and no account, claim or contract shall be received for audit or allowance unless it shall be accompanied by an affidavit of the person rendering it to the effect that he verily believes that the services claimed to have been rendered or property therein charged for actually performed or furnished to the city; that the sums charged therefor are reasonable and just to the best of his knowledge and belief, are due and unpaid, and that no set-off exists or payments have been made on account thereof except as stated in such account or claim; and every such account shall exhibit in detail all the items making up the amount claimed. And it shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city of

Council to audit all accounts.

To be accompanied by affidavit of person rendering.

Claims for
damages.

any description whatever, that it has never been presented to the council as aforesaid for allowance; or that the claim was presented without the affidavit aforesaid and rejected for that reason, or that the action or proceeding was brought before the common council had reasonable time to pass upon such account or claim. And all claims for damages against the city growing out of the negligence or default of said city, or any of the officers, agents, employés or boards thereof, shall be presented to the common council of said city in the manner above provided within six months after such claim shall arise; and in default thereof, said claim shall be forever barred. In any action in any court on any such claim, the claimant shall be required to show that such claim has been duly presented in the manner as in this section specified, to the council for audit, investigation and allowance.

Officer resign-
ing to deliver
books, etc., to
successor.

SEC. 202. Whenever any officer shall resign or be removed from office, or the term for which he shall be elected or appointed shall expire, he shall, on demand deliver over to his successor in office all the books, papers, moneys and effects in his custody as such officer, or in any wise appertaining to his office; and every person violating this provision shall be guilty of misdemeanor, and may be proceeded against in the same manner as public officers generally, for like offenses, under the general laws of this State, now or hereafter in force, and applicable thereto; and every officer appointed or elected under this act, shall be deemed an officer within the meaning and provisions of such general laws of this State.

In suits of cor-
poration no
person incom-
petent as juror.

SEC. 203. In all suits in which the corporation of Bay City shall be a party or shall be interested, no inhabitant of said city shall be deemed incompetent as a juror on account of his interest in the event of such suit or action: *Provided*, Such interest shall be such only as he has in common with the inhabitants of said city.

Record duly
certified by
recorder *prima*
facie evidence
of publication.

SEC. 204. A record or entry made by the recorder of the said city, or a copy of such record or entry, duly certified by him, shall be *prima facie* evidence of the time of the first publication of any ordinance, and all laws, regulations and ordinances of the council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board, in which it shall be necessary to refer thereto; either.

First, From a copy certified by the recorder of the city, with the seal of Bay City affixed, or

Second, From the volume of ordinances printed by authority of the council.

Circuit court
may suspend
judicial officer.

SEC. 205. Any judicial officer of said city may be suspended or removed from his said office by the circuit court for the county of Bay, for the neglect or refusal to pay over as required by law any moneys by him collected for or on account of any fine, penalty or forfeiture, or the unfaithful

or insufficient performance of any of his official duties, or any official misconduct or charges specially preferred by said council of said city, or any member or officer thereof, or by three electors of said city, founded on affidavit filed in said circuit court, specially stating the charges complained of; a copy thereof shall be served on him in such manner as said circuit court shall direct, and opportunity shall be given him to be heard in his defense.

SEC. 206. Any person who may be required to take any oath or affirmation under or by virtue of any provision of this act, who shall, under such oath or affirmation in any statement, or affidavit, or otherwise, wilfully swear falsely as to any material fact or matter shall be guilty of perjury.

Persons swear-
ing falsely
guilty of per-
jury.

SEC. 207. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act, by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law.

When officer
entitled to
double cost.

SEC. 208. The record of any ordinance enacted and of the time of its first publication, made by the recorder as required by this act, or a copy thereof, certified by such recorder, under the seal of the corporation, shall be presumptive evidence in all courts, places or proceedings of the due passage of such ordinance, of its having been duly published and of the time of its first publication. Copies of all other records and papers duly filed in [and] pertaining to the office of the recorder, certified by him under the seal of the corporation, shall be in evidence in all courts and places, to the same effect as the originals would be, if produced.

Record certi-
fied by recorder
evidence of
passage.

SEC. 209. Proof of the requisite publication of any ordinance, resolution or proceedings required to be published in any newspaper, by the affidavit of a printer in the office of said newspaper or the publisher thereof, taken before any officer authorized to administer oaths and take affidavits, and duly filed with the recorder of the city, or any other competent proof shall, in all courts and places, be conclusive evidence of the legal publication of such ordinance, resolution or other proceeding. All ordinances and by-laws of the council, printed and published by their authority, shall in all courts, places and proceedings be received without further proof as *prima facie* evidence thereof, and of their legal enactment and publication.

Affidavit of
publisher evi-
dence of publi-
cation.

SEC. 210. No person shall be an incompetent judge, justice of the peace or other officer, witness or juror, by reason of his being an inhabitant or freeholder of Bay City.

No person in-
competent.

SEC. 211. No person shall be elected or appointed to any office created by this act who is now or may hereafter be a

Defaulter not
to be elected.

defaulter to said city, or to any board or officers thereof or to the State of Michigan, or to any county or township thereof; and any person shall be considered a defaulter who has refused or neglected, or who may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public money or papers pertaining to his office, which may have come into his possession; if any person holding any such office shall become a defaulter while in office, the same shall thereby be vacated.

Vacancy in
judicial
council.

SEC. 212. Whenever a vacancy shall occur in any judicial office, the council may order a special election to fill such vacancy, and shall give not less than ten days' notice of the time of such election. Such notice shall be written or printed, and shall be posted in at least three public places in each ward. The manner of conducting such election shall in all respects be the same as herein provided for the annual election, and such vacancy may also be filled at the annual election.

Process against
city to be in
corporate
name.

SEC. 213. All process issued against said city shall run against said city in the corporate name thereof, and such process shall be served by leaving a true and attested copy of such process with the mayor or recorder at least ten days before the day of appearance mentioned therein.

Taxes and as-
essments lien
and personal
charge.

SEC. 214. All taxes and assessments for sewers, pavements, sidewalks or otherwise, heretofore levied and remaining unpaid in Bay City, shall continue to be a lien on the land on which the same was assessed, and a personal charge against the owner thereof, and shall remain valid and binding, as if this act had not been passed.

Property not
to be platted
until presented
to council.

SEC. 215. No person shall lay out or plat any property within the city limits, or change any plat or portion thereof, without presenting the same to the council for approval; if approved, the same may be recorded according to law, and if not so approved, the same shall be void and of no effect. Such approval shall be endorsed on such map or plat, and signed by the mayor, comptroller and city engineer.

Nothing in this
act to affect
present officers.

SEC. 216. Nothing in this act contained shall be construed as affecting the terms of office of the present aldermen or city officers of said city; but they shall continue to hold their offices for the unexpired portion of the term for which they were respectively elected: *Provided, however,* That this section shall not be construed as applying to the board of police commissioners.

Corporation to
pay all debts.

SEC. 217. The corporation created by this act shall pay all debts and obligations of Bay City, and all property, real and personal, cases in action and rights of all kinds of said city, are hereby absolutely vested in the corporation created by this act.

SEC. 218. The official paper of said city is the newspaper in which the official proceedings of the council are published, as directed by the council by a majority vote of all the aldermen elect. Official paper.

SEC. 219. This act shall be deemed a public act and be favorably construed. This act deemed public act.

SEC. 220. This act shall not invalidate any legal act done by the council of Bay City or any officers of said city, and all ordinances, by-laws, regulations, resolutions, and rules of the council shall remain in force until altered, amended or repealed by the council or by this act. This act shall not invalidate any obligation heretofore made by said city or any tax or assessment levied or made under an act entitled, "An act to revise an act to incorporate the city of Bay City," approved March twenty-one, eighteen hundred and sixty-five, as amended and revised by the several acts amendatory and revisionary thereof. In all cases where the council shall have ordered the construction of any sidewalk, the construction of any main or lateral sewer, the planking or paving of any street, the expense whereof is made a charge upon the property specially benefited thereby, and the tax or assessment roll for said local improvement shall not have been made out and approved prior to the passage of this act, such tax or assessment roll shall be made out and completed, and all proceedings hereafter had thereunder shall be in pursuance of this act. Not to invalidate any legal act.

SEC. 221. All suits instituted or commenced, for or against Bay City, may be prosecuted to the end thereof by or against the corporation created by this act. Suits commenced, prosecuted under this act.

SEC. 222. The expense of examining and committing offenders against any law of this State in Bay City, and the expenses of their confinement, shall be audited, allowed and paid by the supervisors of Bay county, in the same manner as if the expenses had been incurred in any town of Bay county. Expense of examining, confinement, etc., paid by county.

SEC. 223. All acts or parts of acts inconsistent herewith are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 449.]

AN ACT to amend section one of an act, entitled "An act to authorize the board of supervisors of Bay county to fix the compensation to be paid to members of committees of said board, for committee work done by its order," being act number four hundred and thirty-two of local acts of eighteen hundred and ninety-five.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act, entitled "An act to authorize the board of supervisors of Bay county to fix the compensation to be paid to members of committees of said board, for committee work done by its order," and approved May twenty-two, eighteen hundred and ninety-five, be amended so as to read as follows:

Authority of
board of super-
visors to fix
compensation
to be paid mem-
bers of com-
mittees.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors of the county of Bay is hereby authorized to fix the compensation of members of a committee on claims and accounts, a committee on ways and means, and a committee on public buildings at the sum of three dollars per day for the time actually employed by such members of committees: *Provided*, that nothing herein contained shall be construed to authorize the payment to members of committees of such board any compensation for their services as members of any such committee while said board of supervisors shall be in session, nor shall any member of any committee be entitled to payment under the provisions of this act for more than ten days' services in any one year as members of such committees, except members of the ways and means committee, fifteen days, and the chairman of the committee on public buildings, who may receive compensation for not to exceed twenty days' services in any one year; nor shall any committees, the members of which may be entitled to compensation under this act, consist of more than three members: *Provided further*, That any supervisor receiving further or other compensation for such services shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

Proviso.

Further
proviso.

Approved May 29, 1897.

[No. 450.]

AN ACT to authorize the board of supervisors of Bay county to fix the compensation to be paid to the chairman of said board for services rendered as chairman of said board.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors of the county of Bay is hereby authorized to fix the compensation to be paid to its chairman for his services as chairman of said board at a sum not to exceed twenty-five dollars in any one year, in addition to the amounts allowed him as member of said board. Authorized to fix compensation of chairman.

SEC. 2. Any chairman of said board receiving further or other compensation for such services shall be guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars. Penalty for receiving further compensation.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 451.]

AN ACT to amend section eleven of an act, entitled "An act supplemental to the charter of the city of Detroit, and relating to parks, boulevards and other public grounds in said city, and to repeal act number three hundred and seventy-four of the local acts of eighteen hundred and seventy-nine, entitled "An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the city of Detroit and through portions of the townships of Hamtramck, Greenfield and Springwells in the county of Wayne," approved May twenty-one, eighteen hundred and seventy-nine.

SECTION 1. *The People of the State of Michigan enact*, That section eleven of an act, entitled "An act supplemental to the charter of the city of Detroit, and relating to parks, boulevards and other public grounds in said city, and to repeal act number three hundred and seventy-four of the local acts of eighteen hundred and seventy-nine, entitled 'An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the city of Detroit and through portions of the townships of Hamtramck, Greenfield and Springwells in the county of Wayne,' approved May twenty-one, eighteen Section amended.

hundred and seventy-nine," be amended so as to read as follows:

Belle Isle bridge
control of.

Rules for use
of.

Engineers or
bridge tenders.

Repairs and
maintenance
of.

Spaces not
mentioned,
control of park
commissioners.

Proviso.

SEC. 11. The bridge connecting Belle Isle with the mainland and its approaches so far as roadway and sidewalks of stone or plank are concerned, shall be in the custody and control of the board of public works, subject to the general directions of the common council. Said board may make all suitable and needful rules and regulations respecting the use of said bridge and its approaches as hereinbefore designated by foot passengers, by animals, and vehicles of every kind, including railway cars, engines or motors, and may prohibit the use of such bridge by such persons, animals, cars, engines or motors, as in its judgment may be injurious to the proper use of said bridge. Said board may appoint the necessary engineers, bridge tenders or laborers for the care of said bridge, and fix their compensation (provided the aggregate thereof shall not exceed the amount appropriated by the common council), and shall make all repairs or renewals required for the maintenance of said bridge, subject to the authority of the common council. All spaces of the Belle Isle bridge approaches not hereinbefore enumerated in this section, shall constitute a part of Belle Isle park and be in the custody and control of the park and boulevard commissioners, and shall be ornamented or beautified with grass, flowers, trees, shrubbery or statuary as they may provide: *Provided*, That the portions of the Belle Isle bridge approaches, together with the bridge itself, as are in the custody and control of the board of public works shall be deemed a highway as provided by the act of congress authorizing the construction of said bridge.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 452.]

AN ACT to organize and incorporate the townships of Big Creek and Mentor into a single school district and to repeal all acts or parts of acts in any wise contravening the provisions of this act.

Territory embraced in school district.
Powers and privileges.

SECTION 1. *The People of the State of Michigan enact*, That the territory embraced in the townships of Mentor and Big Creek in the county of Oscoda, be, and the same is hereby declared to be a single school district, which shall be a body corporate by the name and style of "the public schools of the

townships of Big Creek and Mentor" and by that name may sue and be sued for all school debts contracted by the board of education and shall be subject to all the general laws of this State relative to corporations so far as they may be applicable; and said district shall have all the powers and privileges conferred upon school districts and union schools by the general laws of this State; and all the territory in said townships is hereby subject to the assessment, levy and collection of taxes for the support of schools, erection of buildings, the payment of salaries for teachers and other incidentals to the maintenance of schools in said district. All schools now in said district and all schools hereafter organized therein in pursuance of this act under the regulation and direction of the board of education, shall be public and free to all persons actually residents within the limits thereof above the age of five and below twenty years.

Schools to be public.

SEC. 2. The officers of said district shall consist of five trustees, who shall constitute the board of education of said school district. The term of office of said trustees shall be five years each and until their successors are elected and qualified. The election of trustees shall be held upon the second Monday in July of each year. The first election after this act shall take effect shall be held at the court house, at the village of Mio in said county, and subsequent elections shall be held at such places as the township boards of said townships shall decide. The clerk of said townships shall give notices of such election by posting notices thereof in at least five of the most public places in each of said townships at least eight days previous to such meetings. The supervisors and the township clerks of said townships shall be inspectors of election and shall canvass the vote and declare the result thereof. At the first meeting there shall be chosen by ballot five trustees, one to serve the term of one year, one the term of two years, one the term of three years, one the term of four years, and one the term of five years. In case of absence of any of the aforesaid inspectors of election, the electors present shall elect persons to perform the duties of such officers.

Board of education.

Election.

Inspectors.

SEC. 3. Within five days after the annual election the township clerk shall notify in writing, the persons elected as trustees under this act, of their election, and within five days thereafter said trustees so elected shall take and subscribe the oath of office prescribed by the constitution of this State before any person authorized to administer oaths, and file the same with the township clerk. The term of office of the trustees of said district shall commence the second Monday following their election.

Persons elected trustees to be notified.

SEC. 4. The county treasurer of said Oscoda county shall be treasurer of said board of education, and shall give a bond to the board of education of said district in such sums and

Treasurer of board.

President. Clerk.	with such sureties as the board shall approve, conditioned for the faithful performance of his duties under this act, and honestly account for all moneys coming into his hands and belonging to said district. Said treasurer shall keep all the school moneys and library moneys separate and distinct from other funds in his hands, and shall not pay out the same without authority of said board upon warrants drawn upon him signed by the president and countersigned by the clerk of said board. The member serving for the shortest term shall be president of said board. The board shall, at its first annual meeting, elect one of its members who shall be clerk of said board for the ensuing year, and at each subsequent annual meeting of said board, in August, said board shall elect one of its members as clerk of said board.
Organization of board.	SEC. 5. The members of said board of education shall meet on the first Monday in August in each year for the purpose of organization. The trustee whose term of office will soonest expire shall be president of the board, and shall be entitled to a vote in all cases. In absence of the president at any meeting, a majority of the members present may choose one of their members to act as president <i>pro tem</i> . The board of education shall have power to fill vacancies which may occur in the office of trustee until the next annual election. Such trustee shall file with the clerk of said district his oath of office within five days after his appointment by said board. The first meeting of said board shall be held at the office of the county clerk at the court house in the village of Mio; and subsequent meetings shall be held at such places in such district as the board of education shall designate.
Vacancy, how filled.	SEC. 6. A majority of the members of said board shall constitute a quorum and the regular meetings of said board shall be held at two o'clock in the afternoon upon the first Monday in August, November and March in each year; and no notice of such meetings shall be required, and any two members of said board shall be sufficient to adjourn any meeting from time to time until a quorum is present. Special meetings of said board may be called upon request of the president or any two members thereof, in writing, delivered to the clerk, and the clerk upon receiving such request shall at once notify each member of said board, if within said district, of the time of holding such meeting, at least three days subsequent to the time of receiving such request by the clerk. All the meetings of said board shall be held in the township clerk's office, unless otherwise directed by resolution of said board. The clerk shall keep a record in full of all meetings of said board, and all records and papers of said district shall be kept in the custody of said clerk and shall be open to the inspection of any taxpayer, or his representative, of said district.
Quorum; regular meetings, when.	
Special meetings.	
Records.	

SEC. 7. Said board of education shall be the board of school inspectors of said district and shall as such report to the clerk of the county in which said district is located, and shall have all the powers and perform all the duties now enjoyed and performed by the board of school inspectors. And the president of said board shall perform all the duties required by law of the chairman of school inspectors, and the boards of school inspectors of said townships are hereby abolished except as their powers are vested in the said board of education.

Board to be
school inspectors.

SEC. 8. The board of education of said district shall have the power and authority to designate and purchase school house sites; to erect buildings and furnish the same; employ legally qualified teachers; provide books for district library; to make by-laws relating thereto; to take the census of all children of said district as provided by the general school law; to make all the necessary reports and submit the same to the proper officers as designated by law, so that said district shall be entitled to its proportion of the primary school fund. Said board shall have the authority to make all needful rules and regulations and by-laws relating to the visitation of schools; relative to the length of time school shall be kept, which shall not be less than three months in each year; relative to the employment of teachers duly elected and qualified; relative to the regulation of schools and the books used therein; and shall as soon as practicable establish in the schools in said district a uniform system of education, and generally do all things needful and desirable for the maintenance, prosperity and success of the schools in said district, and the promotion of a thorough education of the children thereof, and to adopt such by-laws and rules for their own procedure as they may deem necessary.

Powers of
board.

SEC. 9. The board of education, at the regular meeting on the first Monday of August of each year, shall make an estimate of and determine the amount of money deemed necessary to be raised by taxes for the ensuing year for all purposes of expenditure within the power of said board, which estimate shall specify the amounts required for the different expenditures, and shall be entered at length on the records of the proceedings of said board: *Provided*, That the total amount of tax to be raised in any one year for school purposes, shall not exceed two and one-half per centum of the total valuation of said district, nor in any event shall it exceed the amounts now or which may hereafter be limited by law. The clerk of said board shall within twenty days thereafter make a written report of the amount of taxes estimated and determined to be necessary, and certify the same to the supervisors of the townships of said district, who shall certify the same as now provided for the certification of school taxes, and shall be

To make estimates of
money.

Limit of taxation.

Proviso as to
school lots and
houses.

apportioned between the townships on the basis of the equalized valuation of said townships, and the same shall be levied, collected and returned in the same manner as other township taxes: *Provided*, For the purchasing of school lots and erecting of school houses no greater sum than two and one-half mills on the dollar of all taxable [valuations] valuation, real and personal property of said district, shall be levied in any one year. All taxes assessed within said townships for school purposes shall be set forth in the assessment roll of said township in a separate column distinct from all other township taxes.

Reports of
treasurer.

SEC. 10. The treasurer of the district shall at any time at the request of said board, report to said board the amount of school funds in his hands and shall from time to time render statements of the condition of the school fund as requested by the board of education, and at the regular meeting of the board of education in March in each year shall file his annual report of the condition of the school fund in said township.

Report of
board.

SEC. 11. The said board shall annually, and on the first Monday of March in each year, make an affidavit of the number of schools in said district, number of teachers employed, number of pupils instructed therein during the preceding year, the system and course of study pursued in the township, the expenditures of said board for all purposes, and also the resources and liabilities of said district, which report or statement shall be entered at length in the records of said board.

Property, debts.

SEC. 12. All school property, both real and personal, within the limits of said townships incorporated as aforesaid, shall, for the purposes of this act, become the property of the public schools of said district; and all debts and liabilities of any or all primary school districts of said townships as existing prior to the incorporation of said district under the provisions of this act, shall become the debts and liabilities respectively of the public schools of said township.

Moneys, etc., to
belong to new
district.

SEC. 13. All moneys raised or being raised or accruing to the school district of said townships as organized under the primary school laws of this state, shall hereby become the moneys of the public schools of said township, and no tax hereafter ordered, assessed or levied for school purposes in said townships, or other proceedings, shall be invalidated or affected by the terms of this act.

Compensation
of board.

SEC. 14. The compensation of the members of the board of education shall be one dollar and fifty cents for each day's actual service rendered for said district; and the clerk of said board shall receive such compensation for his services as the board may determine, not exceeding thirty dollars per annum.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 453.]

AN ACT to consolidate school districts numbers one and seventeen of the city of Jackson and townships of Blackman and Summit, to be known as Union school district of the city of Jackson, to define its rights, powers and duties, and to provide for its government and the management and control of its schools.

SECTION 1. *The People of the State of Michigan enact*, That upon the going into effect of this act, the boards of education of the school districts known and numbered one and seventeen of the city of Jackson and townships of Blackman and Summit shall meet and, acting as a joint board of education, fix the time and places within said districts for ascertaining the desire and opinion of the voters of said districts with respect to the consolidation of the two school districts. The time and place for such meeting of the two boards of education shall be fixed in the first instance by the president of the board of education of said district number one, at a date not more than twenty days after the taking effect of this act. He shall give at least three days' notice in writing personally or by mail to each of the members of both said boards, and in case of the neglect of said president to give such notice for ten days after this act shall take effect, then the president of the board of education of said district seventeen shall fix a time and place for such meeting of the two boards and give a like notice thereof. The joint board when met in accordance with such notice given as aforesaid shall fix the time and places for the purpose of holding an election which shall be within thirty days after the date of meeting of said joint board to ascertain the wishes of said voters and shall give such notice thereof as is required to be given of meetings in said school districts respectively. The said election shall be as of a single district, but at two precincts which shall separately consist of each of said districts as heretofore organized, and said election shall be conducted under the supervision of the boards of education of said districts as heretofore organized, each board supervising and controlling the election in its own district in the same manner and according to the same laws heretofore governing elections held in such district, but it shall not be necessary in said district seventeen for this election to have a registration of the voters. The qualification of voters voting at such election shall be the same as is provided by the general law to constitute a qualified voter in a school district for the election of trustees; the voting shall be by ballot, such ballots to be either:

Proposition to consolidate the boards of education of the townships of Blackman and Summit and part of city of Jackson.

Time and place of holding election.

Qualification of voters.

"For consolidation _____ yes," or
 "For consolidation _____ no,"

Boards to canvass returns.

Majority opposed to consolidation.

Majority in favor of consolidation.

District to be known as union school district.

Union school district vested with property, etc., of districts.

and it shall be the duty of the board holding the election in each precinct to count the said votes, to declare publicly the result, and to certify such result in duplicate, one certificate to be retained by the board holding the election and the other to be as soon as may be delivered to the president or secretary of the other school district as heretofore organized. The said two boards acting as one shall meet at such time as they may have appointed at the time of calling such election, or if no time was so appointed then upon like notice as was given of the meeting to call such election, to canvass said returns, and shall thereupon ascertain and declare the result of the said election and shall make duplicate certificates thereof, one of which shall be delivered to the secretary of each board, whose duty it shall thereupon be to record the same in the book kept by him, showing the corporate action of his school district. If a majority of the ballots cast at the said election shall be opposed to said consolidation, then no further effect shall be given to this act, there shall be no consolidation by force hereof and each district and board of education of each district shall continue to perform their legal functions as though this act had not been passed, retaining their present organizations under the laws by which they have heretofore been governed. If a majority of the ballots cast at the said election shall be in favor of such consolidation, then, there shall be a consolidation of the said school districts, upon the terms and conditions, in the following sections provided:

SEC. 2. In the case that a majority of the ballots cast at the election provided for in section one of this act shall be in favor of the consolidation of said school districts, then, all that part of the city of Jackson and townships of Summit and Blackman in the county of Jackson heretofore and now embraced within the boundaries of school districts numbers one and seventeen of said city of Jackson, be and is hereby united to form a single school district, to be known as Union school district of the city of Jackson; and such districts shall have all the powers, rights and privileges conferred upon school districts by the general school laws of the state of Michigan; and as shall be necessary to effect the purposes of its organization: *Provided*, That this act shall not be construed to prevent and further change in the boundaries of said school district in the manner that is now or may hereafter be provided by the general laws of this state.

SEC. 3. Upon this act going into effect said Union school district of the city of Jackson shall become vested with all the rights, privileges and property of said districts one and seventeen respectively, without any transfer or action by the boards or officers of said districts; and the trustees of said districts one and seventeen shall, after the first Monday in

September, eighteen hundred and ninety-seven, constitute the board of education of said Union school district, and shall hold office during the time for which they were respectively elected.

To constitute board of education of union school district.

The present members of each of said boards shall continue to hold their respective offices, for the unexpired terms to which they were elected or appointed, until the annual election in

Annual election.

September, eighteen hundred and ninety-seven, and discharge the functions of their respective offices until the close of the present school year, for each of said districts, as contemplated

and provided at the beginning of said school year. On Monday, the second day of August, eighteen hundred and ninety-seven, at seven thirty o'clock P. M., at the central school building of district number one, the boards of trustees of said districts shall meet in joint session for the purpose of preparing and adopting estimates for the maintenance of the school of such consolidated school district, for the ensuing school year.

Meeting of board of trustees.

It shall be the duty of the secretaries of the respective boards to present to such joint boards at such session, estimates of the prospective receipts and disbursements for their respective districts for the ensuing year, as a basis of action, for such joint boards.

Secretary to make estimates of receipts.

Such joint boards when so convened shall elect a chairman and secretary for such meeting, and shall adopt estimates of the amounts necessary to maintain the schools of such district for the ensuing year, at such time, or such other time, to which they may adjourn which estimates so adopted shall be published as hereinafter provided, and shall have power to appoint a superintendent and fill any vacancies that may exist in the corps of teachers in said district: *Provided*, That any and all teachers and superintendents theretofore employed, or appointed, by either of said boards, to any position, in either of said districts shall be considered as duly appointed to the positions to which they were so appointed, and shall be under the direction of, and responsible to the board of education of such consolidated district, in the same manner, as if they had been appointed by such board in the first instance.

Joint boards elect chairman and secretary.

Teachers heretofore employed.

SEC. 4. It shall be the duty of the boards of trustees of said districts one and seventeen to report or cause to be reported to the board of education of said union school district all debts, liabilities and obligations of said districts, together with a statement of all moneys on hand and an inventory of all personal property of said districts respectively at the time of said first meeting. Said board of education shall have the power and it shall be its duty to settle with said treasurers and all moneys found to be due from them to their respective districts shall be paid over to the treasurer of said union school district, to be disbursed in the manner hereinafter provided.

Boards of trustees to report all debts to board of education of union school district.

Duty of, to settle with treasurers.

SEC. 5. Said moneys of districts one and seventeen shall be kept separate and shall be used to defray the expenses of the schools of said districts respectively until the end of the

Moneys to be kept separate.

Liabie for in-
debtedness of
districts.

May be sued.

Claims to be
paid from gen-
eral fund.

current school year and any surplus remaining shall be deposited in and credited to the general fund of such consolidated district. Said union school district, as consolidated shall at once assume and be liable for the existing bonded indebtedness of said school district number one, being the sum of twelve thousand dollars besides interest and shall provide for the payment of the same principal and interest, as it become due and payable; and said consolidated school district shall in like manner assume and be liable for the sum of twelve thousand dollars, besides interest on the bonded indebtedness of said school district number seventeen, being the portion of said bonded indebtedness the principal of which will fall due after the year nineteen hundred, and shall provide for the payment of the same principal and interest as it becomes due and payable. The remainder of the bonded indebtedness of said school district number seventeen, being the sum of fourteen thousand dollars, the principal sums of which will fall due in the years eighteen hundred and ninety-eight, eighteen hundred and ninety-nine and nineteen hundred and the interest thereon, shall be and remain a charge against said school district seventeen as it has heretofore existed, and the moneys required to pay the same shall be assessed and levied only upon the taxable property of said last named district, and it shall be the duty of the board of education of the consolidated district to do from time to time all the things which may be proper or necessary to have the same properly levied, collected and applied for the payment of the principal and interest, and for the enforcement of such payment suit may be brought against said school district number seventeen, and process served upon the president or secretary of the board of education of said consolidated school district, and in case of a judgment against said district number seventeen on account of said principal or interest, the party obtaining such judgment may have the same certified to the proper officers and the amount of the same shall be levied and collected from the property assessed within the territory heretofore occupied by said school district number seventeen. In the case that anything owing by either of the said heretofore existing school districts shall by mistake or otherwise have been omitted to be paid by either district before the payment or deposit of their supposed surplusses into the general fund of such consolidated school district, then to the extent of the sum so deposited, the claim shall be adjusted and paid from said general fund, and if there be any larger valid claim against either district, it may be adjusted and shall be paid only as a charge against said district originally owing the same, and it shall be the duty of the board of education of the consolidated district to certify the same for levy and collection from the property of the district in which the claim originated, in the same manner as they certify and fix the

sums to be collected for the principal and interest of the bonded indebtedness of said district number seventeen: *Provided, however,* That if there be such claims established against both said districts, then only the difference in amount shall be certified against the district owing the larger amount.

SEC. 6. The annual election of trustees of said union school district of the city of Jackson shall be held on the first Monday of September in each year. At the election in the year eighteen hundred and ninety-seven the qualified electors of said district shall elect by ballot two trustees who shall reside within the territory now embraced within said school district number one, for the term of three years, and in the year eighteen hundred and ninety-eight, two trustees who shall reside in the territory embraced within said school district number one for three years and one trustee for three years and one trustee for two years who shall reside in the territory embraced within said school district number seventeen, who, with the trustees holding over, shall constitute a board of ten trustees, and annually thereafter said electors shall in the same manner elect three trustees, two of whom shall reside in the territory now embraced within said district number one, and one within the territory now embraced within said district number seventeen, who shall hold their offices for three years and until their successors shall have been elected and qualified, and, together with the trustees holding over, shall constitute a board of nine trustees. Said trustees shall be known as the board of education of union school district of the city of Jackson. When the office of any trustee shall become vacant by death, resignation, removal from said district or from the territory from which elected or other cause, said board of education shall fill such vacancy by appointing a trustee from the territory where said trustee resided at the time of his election, who shall hold office until the next annual school election, at which a trustee shall be elected for the unexpired portion of said term.

Annual election of trustees.

Vacancy, how filled.

SEC. 7. The annual election of trustees shall be held at such place in said district as said board of education shall designate, public notice of which shall be given as required by the general laws of this state for elections in graded school districts; a ballot box or ballot boxes shall be provided at the expense of the district and the polls of election shall be open at eight o'clock in the forenoon and shall continue open until four o'clock in the afternoon.

Place of holding annual election.

SEC. 8. The president and secretary of said board of education or in case of their inability to act, such other two members of said board as shall be designated by it, shall constitute a board of inspectors of election, for the purpose of conducting the annual election of trustees: *Provided,* Said board may appoint such other inspectors of election, to act with said president and secretary, or with the members above provided for, as it shall at any time deem necessary.

Who to act as inspectors.

To appoint
clerks.

SEC. 9. Said board of inspectors shall, before the opening of the polls, appoint at least two suitable persons to act as clerk's of election, and each of said clerks so appointed shall take the constitutional oath of office, which may be administered by either of said inspectors, and each clerk so appointed, and each inspector so chosen, shall receive two dollars for his serving as such inspector or clerk, to be paid by the treasurer of said board.

Compensation
of.

Qualifications
of voters.

SEC. 10. The qualifications of voters at such election shall be the same as are now or may hereafter be provided by the general laws of this State for the election of officers in school districts. The electors shall vote by ballot, and each person offering to vote shall deliver his ballot folded, to one of the inspectors in the presence of the board who shall deposit the same unopened in the ballot box.

Challenged
votes.

SEC. 11. If any person offering to vote at such election shall be challenged as unqualified by any legal voter of said district, one of said inspectors shall declare to the person so challenged the qualification of a voter. If such person shall insist that he is qualified and the challenge shall not be withdrawn, one of said inspectors shall tender him the oath or oaths provided in section eighteen of chapter one hundred and ninety-six of Howell's Annotated Statutes of Michigan, being compilers section five thousand and fifty as the same has been or shall be hereafter amended, and any person taking such oath or oaths shall be permitted to vote at such election, and for swearing or affirming falsely shall be deemed guilty of perjury. If any person so challenged shall refuse to take such oath his vote shall be rejected.

Clerks to keep
poll lists.

SEC. 12. Each clerk of election, where only two shall be appointed, shall keep a poll list which shall contain the names of the electors voting at such election, and where more than one ballot box shall be used, like poll lists shall be kept by two clerks containing the names of the electors voting at each ballot box.

Public canvass.

At the close of the polls the inspectors and clerks shall immediately proceed to publicly canvass, ascertain and declare the result of the election. At the election in eighteen hundred and ninety-seven the two persons residing in the territory embraced within said district number one receiving the greater number of votes, and at the election of eighteen hundred ninety-eight the two persons residing in said territory embraced within said last district and the two persons residing in the territory embraced in said district number seventeen, and at all elections thereafter, the two persons receiving, in the territory heretofore embraced in said district number one, and the person residing in said district seventeen receiving the higher number of votes, shall be deemed and declared elected, and the person receiving the highest number of votes to fill a vacancy, who shall be eligible by reason of residence as in this act provided, shall be deemed and declared elected trustee to fill said vacancy.

SEC. 13. Within five days after said election the persons declared elected trustees shall file with the secretary of said board of education a written acceptance of office, and on the first Monday after said election said board of education shall meet at such hour and place as shall be determined by the rules regulating the meeting of said board and elect from their number a president, secretary and treasurer, who shall severally hold their offices one year and until their successors are duly elected and enter upon the duties of their respective offices, and who shall have the powers conferred upon the moderator, director and assessor of school districts of this state, in addition to those conferred by this act and from time to time by said board of education. The treasurer shall, before entering upon the duties of his office, execute to such union school district a bond in such penalty and with such conditions and sureties as shall be directed or approved by said board of education.

Persons elected to file acceptance with secretary of board.

SEC. 14. Said board of education shall have power to appoint a superintendent of schools and such principals and other employes as it shall deem necessary, define their powers and duties and fix their compensation; to employ all necessary teachers and fix their compensation; to classify and grade the several schools and determine the qualifications for admission thereto and the conditions for remaining therein and which of the schools or departments pupils shall attend; to adopt courses of study and text-books and to provide for such studies and instructions as said board may deem beneficial to the pupils of said district; to make such rules and by-laws as it may deem necessary for the preservation of the property of the district and government of the schools thereof and the proceedings of said board, and in reference to all other business and matters connected therewith, and to levy and collect such sums as said board may deem proper for the tuition of pupils taught in said schools, who are not actual residents of said district or authorized by the general laws of this state to attend said schools without the payment of tuition. Said board of education shall, before employing teachers, examine them or cause them to be examined as to their qualifications, which examination may be conducted according to the general laws of this State providing for the examination of teachers, or in such other manner as said board of education shall determine, and all teachers employed by said board shall be considered legally qualified teachers under the laws of this State, without further or other examination, and no teacher shall be employed who does not pass an examination satisfactory to said board of education: *Provided*, No further examination of teachers employed from year to year shall be required unless deemed necessary by said board of education: *And provided further*, That an examination had by the school boards of said districts one and seventeen, shall be of

Board shall appoint superintendent, etc., and fix compensation.

To be examined as to qualifications.

Proviso.

Further proviso.

the same force and effect as if had by the order of said board of education.

Annual school meeting of union school district.

Special meetings.

Notice of, to be published.

Property may be taxed as deemed necessary.

SEC. 15. The annual school meeting of said union school district of the city of Jackson shall be held at such convenient place as shall be designated by said board of education, at the time provided by the general laws of this state for the holding of the annual meetings of school districts. Special meetings may be called by the board of education whenever it shall be by said board deemed for the interest of said school district. At such special or general meetings the qualified electors present may exercise the powers now conferred by the general laws of this state upon district school meetings in graded school districts, or as may hereafter be conferred, except as otherwise provided in this act. The qualification of electors at such meetings shall be the same as are now or may hereafter be provided by the general laws for electors at such meetings of graded schools. The same notice of such annual and special meetings shall be given by said board of education as is or shall be required by the general laws of this state for like meetings in graded school districts. Said board of education shall at least six days before the time of holding any annual meeting, cause to be published in at least two papers, published in said city of Jackson, an estimate of the money required to be voted at said meeting for the ensuing year.

SEC. 16. The qualified voters of said district may, by a majority vote of those present and voting, at any annual meeting or special meeting called for that purpose, raise by tax, upon the taxable property of the district, such sum or sums of money as shall be deemed necessary to purchase lots, erect school buildings and repair and furnish the same, to provide necessary apparatus, fuel, pay superintendents, principals, teachers, employes and officers and all expenses, necessary or incidental to the proper maintenance of the schools of said district, and to make the same free of tuition to the resident pupils thereof, and in case any such meetings shall neglect or refuse to vote the taxes necessary for the proper maintenance of said schools, said board of education shall have the power and it shall be its duty, to cause such taxes to be levied and collected. Said electors may, at any such annual meeting or special meeting called for that purpose, by a two-thirds vote of those present and voting, authorize said board to borrow money on the bonds of the district for such term of years and at such rate of interest, not exceeding six per cent, as said meeting may direct, for the purpose of purchasing sites for and erecting school buildings, and making additions thereto, or for the payment of bonds due or to become due: *Provided*, That the indebtedness of said union school district shall at no time exceed fifty thousand dollars, in addition to the indebtedness now existing against said districts one and seventeen.

SEC. 17. The secretary of said board of education shall keep a complete record of the proceedings thereof, and of all annual and special meetings of said district, and shall keep a set of books in which he shall enter all the financial transactions of said district and shall draw and sign all warrants upon the treasurer for the payment of money, and perform such other duties as such board may require.

Secretary to
keep complete
record.

SEC. 18. It shall be the duty of the treasurer of said district, and he shall have power to receive all moneys belonging to said district, whether raised by taxes or otherwise, to collect any moneys due for tuition, and to pay from the moneys in his hands from time to time all obligations of said district: *Provided*, That no money shall be paid except upon the warrant signed by the secretary and countersigned by the president of said school district, or in the absence or inability of said secretary or president to act, then by the acting president or secretary as the case may be, but no such payment shall be made unless ordered by said board of education. Said treasurer shall perform such other duties as shall be required of him by said board of education.

Duties of
treasurer.

SEC. 19. Said union school district may by its name sue and be sued, and process, in any suit brought against it, may be served upon the president or secretary. Said board of education may, in the name of said district, make all such contracts as shall be necessary or convenient in giving effect to the provisions of this act and the general laws of this State relating to public schools, which shall be binding upon said district.

May sue and be
sued.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 454.]

AN ACT to authorize and direct the Commissioner of the State Land Office of this State to issue a patent to Phases Shannon for the northeast quarter (N. E. $\frac{1}{4}$) of the southeast quarter (S. E. $\frac{1}{4}$) of section sixteen (16), township twenty-six (26) north, of range eight (8) west, confirming the title thereto in Phases Shannon.

SECTION 1. *The People of the State of Michigan enact*, That the Commissioner of the State Land Office, of the State of Michigan, is authorized and directed to issue a patent for the northeast quarter (N. E. $\frac{1}{4}$) of the southeast quarter (S. E. $\frac{1}{4}$) of section sixteen (16), town twenty-six (26) north, of range eight (8) west, to Phases Shannon, of the township of Bordman,

Commissioner
to issue patent
to Phases
Shannon.

Kalkaska county, Michigan, upon the surrender by the said Phases Shannon of primary school certificate number fourteen thousand seventy-nine, together with all assignments thereof and the payment by said Shannon of all taxes that may have been assessed upon said lands and now remain unpaid, and the title to such described land is hereby delivered and is to be equitable in the said Phases Shannon.

SEC. 2. All acts or parts of acts and all executive or official orders made thereunder in any way conflicting with act, are hereby repealed.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 455.]

AN ACT to amend sections one and two of chapter two; sections six and seven of chapter four; sections seven, ten, eleven, twelve, fifteen, sixteen, eighteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty, thirty-one, thirty-two, thirty-six, thirty-seven, and thirty-eight of chapter five; sections two, six, nine, thirteen, fourteen, seventeen, eighteen of chapter six; sections one and twelve of chapter eight; sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, and thirteen of chapter nine; section two of chapter eleven; section one of chapter twelve; sections one and three of chapter seventeen; sections one, two, three, four and five of chapter nineteen; sections one and two of chapter twenty-two; sections ten and twenty-two of chapter twenty-three; sections one, two, three, four and five of chapter twenty-five, of an act entitled "An act to incorporate the city of Sault Saint Marie, and to repeal an act entitled 'An act to re-incorporate the village of Sault Saint Marie, approved May twenty-ninth, eighteen hundred and ninety-seven, as amended'," being act number five hundred and thirty-three of the laws of eighteen hundred and eighty-seven, approved June twenty-first, eighteen hundred and eighty-seven, as amended by the several acts amendatory thereof; and to add to chapter twenty-three of said act one new section, to stand as section twenty-three; and to add to chapter twenty-five of said act fifteen new sections, to stand as sections six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections one and two of chapter two; sections six and seven of chapter four; sections seven, ten, eleven, twelve, fifteen,

sixteen, eighteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty, thirty-one, thirty-two, thirty-six, thirty-seven and thirty-eight of chapter five; sections two, six, nine, thirteen, fourteen, seventeen and eighteen of chapter six; sections one and twelve of chapter eight; sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve and thirteen of chapter nine; section two of chapter eleven; section one of chapter twelve; sections one and three of chapter seventeen; sections one, two, three, four and five of chapter nineteen; sections one and two of chapter twenty-two; sections ten and twenty-two of chapter twenty-three; sections one, two, three, four and five of chapter twenty-five, of an act entitled "An act to incorporate the city of Sault Saint Marie, and to repeal an act entitled an act to re-incorporate the village of Sault Saint Marie, approved May twenty-ninth, eighteen hundred and seventy-nine, as amended," being act number five hundred and thirty-three of the laws of eighteen hundred and eighty-seven, approved June twenty-first, eighteen hundred and eighty-seven, as amended by the several acts amendatory thereof, be and the same are hereby amended so as to read as follows:

CHAPTER II.

ELECTORS AND REGISTRATION.

SECTION 1. • The residents of the city of Sault Saint Marie having the qualifications of electors under the constitution of the state of Michigan, and no others, shall be electors therein.

Who to be electors.

SEC. 2. Every elector shall vote only in the ward where he shall have resided during the twenty days next preceding the day of election. The residence of any elector not being a householder shall be deemed to be in the ward in which he boards or takes his meals.

Where electors may vote.

CHAPTER IV.

SEC. 6. On the day of elections, both general and special, held by virtue of this act, the polls shall be opened and closed in each ward at the several places designated by the council at the hour in the general laws of this State provided. The inspectors shall cause proclamation to be made of the opening and closing of the polls.

Time of opening and closing of polls.

SEC. 7. The two aldermen of each ward, and an elector thereof to be designated by the common council, shall, except as in this act otherwise provided, constitute a board of inspectors of election for said ward. If by reason of the formation of new wards, or by a change in the boundaries of existing wards, or for any reason, there shall not be a sufficient number

Board of inspectors.

Filling vacancies in board.

of officers last named to make a board of three inspectors, it shall be the duty of the common council at least one week before the election to appoint a sufficient number of inspectors who are residents and electors of said ward, and whom, with the officers above named, if any residing in the ward, and if at any election any of the inspectors above provided for shall not be present and remain in attendance, the electors for the said ward present may choose *viva voce* such number of such resident electors of the ward as with the inspector or inspectors present shall constitute a board of three in number, and such electors so chosen shall be inspectors at that election.

CHAPTER V.

DUTIES AND COMPENSATION OF OFFICERS—RECORDER.

Duties of recorder.

SEC. 7. The recorder shall keep the corporate seal, and all the documents, official bonds and papers, files and records of the city not by this act entrusted to some other officer; he shall be clerk of the common council, shall attend its meetings, and shall make and preserve a record of all its ordinances, resolutions and proceedings in proper books to be provided therefor, and shall sign and register all licenses granted; he shall, when required, make and certify, under the seal of the city, copies of the papers and records filed and kept in his office, for which services, except when rendered for the city, he may demand and collect such fees as may be allowed by the council and such copies shall be evidence in all places of the matters therein contained to the same extent as the original would be; he shall collect the water rents of the city; he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city, and he shall have authority to administer oaths and affirmations. The recorder shall also be a member of the board of supervisors of Chippewa county, and shall be entitled to the same compensation for attending said board of supervisors as is allowed by law to other members of the board to be paid in the same manner. The recorder shall be entitled to a fee of fifty cents for each and every license issued by him, to be paid by the person obtaining the same.

To exercise powers of township clerk.

To be a member of board of supervisors of Chippewa county.

Fees.

THE COMPTROLLER.

Duties of comptroller.

To be assessor and general accountant.

SEC. 10. The comptroller shall perform such duties in relation to the finances, accounts and other matters of the city as are provided in this act, and also such other duties as may be prescribed by the ordinances of the city. He shall, in addition to his other duties, be the assessor of said city, and as such shall have and exercise within the city all the powers and duties and authority of the supervisor of townships, as pro-

vided by the laws of this State, except as in this act otherwise provided. He shall be the general accountant of the city, and all claims against the corporation must be filed with him for adjustment, and after examination thereof he shall report the same with all accompanying vouchers and counter claims of the city, and the true balance as found by him, if any, to the council for allowances. He shall exercise a general supervision over all officers charged in any manner with the receipts, collections and disbursements of the city revenues, and all the property and assets of the city, except as herein otherwise provided. He shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources and liabilities, with a proper classification, and showing the purpose for which each fund was raised. He shall keep an itemized statement of the liabilities of the city showing to whom the same are payable; the bonded indebtedness shall be kept in a separate account showing when all bonds are issued, for what purpose, time to run, date of interest, date of interest payable, and the payments and where payable. He shall also on the first Monday of March in each year file with the city council a complete statement of the financial condition of the city, showing as above outlined the entire liability of the city and the condition of the various city funds. He shall also keep an account with the treasurer of the city, in which he shall charge said treasurer with the whole amount of the taxes, special or general, levied in said city, placed in the hands of the collector, and for licenses, rates, and all other moneys which may be paid in to the city treasurer, and all bonds, coupons, notes, leases, mortgages, interest and bills received by said city of corporate nature. He shall charge to the treasurer all taxes which may be placed in his hands for collection and all other officers of the corporation, and all funds, moneys and properties placed or being in their possession, and shall require settlement with such officers at least once in each year, and as much oftener, not to exceed once in each month, as the interest of the city and the safety of the property may require. And he shall give the treasurer and all other officers credit for all moneys deposited, upon showing proper vouchers, and for all property consumed, expended and destroyed by ordinary wear and use, and not otherwise. He shall credit the city treasurer with all moneys turned into the city treasury, designating all sources from which the same were received. He shall also credit him with all taxes collected, and upon presentation of a receipt signed by the county treasurer, showing the amount of taxes of said city returned delinquent in each year, he shall credit said city treasurer with said amounts. The city comptroller shall also immediately advise the council when any fund of said city is exhausted. He shall have authority to administer oaths and take affidavits.

To exercise
supervision
over revenues
and finances.

To file state-
ment with city
council.

To report
receipts, etc.,
to council.

SEC. 11. The comptroller shall report to the council in addition to the annual report hereinbefore mentioned, whenever required, a detailed statement of the receipts, expenditures and financial condition of the city, of the debts to be paid and the moneys required to meet the estimated expenses of the corporation. He shall also, upon application of the board of public works of said city, furnish the said board a statement of the moneys and the several funds of the city available for the prosecution of the public work.

To be member
of board of
supervisors of
Chippewa
county.

SEC. 12. The comptroller shall also be a member of the board of supervisors of Chippewa county, and shall be entitled to the same compensation for attending the meetings of said board of supervisors as is allowed by law to other members of the board to be paid in the same manner. And he shall be entitled to no other compensation, fees or emoluments for the performance of any duty imposed upon him or required from him by the charter or ordinances of said city, except his annual salary.

CITY TREASURER.

City treasurer
not to hold
office longer
than four years.

Duty of

SEC. 15. The city treasurer shall be estopped from holding the office longer than four years in any period of six years, and it shall be his duty to submit to the common council or a committee thereof appointed by said council for such purpose, all books of account, vouchers, records and evidence of debt, together with a true statement of the same and the amount of moneys actually in his hands in cash, separate and apart from his personal funds at least once in each year, and not later than the first Monday in March, and to procure from said council or committee a certificate, and file the same with the city recorder setting forth that they had examined the accounts of said treasurer and found them correct, and that the moneys and balance shown by said accounts in the separate funds of the city are actually in the hands of the treasurer, in cash, separate and apart from his personal funds. On the failure of said treasurer elect to procure and file such certificate, in case of his re-election to a second term on or before the time within which by the provisions of this act he is required to file his official oath—the council may declare by resolution, and without notice, the office of the treasurer vacant, and proceed to appoint some person to fill such vacancy until the next annual election: *Provided, however,* That if such committee as aforesaid neglect or refuse to examine said accounts and report upon the condition of the same, and issue such certificate, if the facts shall warrant the same, before the time herein limited for said treasurer to take and subscribe his official oath as above mentioned, he may lay his books, accounts and vouchers before said council at the next regular meeting thereof, and said council or a committee thereof are hereby authorized, after examining the same to make such certificate, if the facts shall warrant the same.

SEC. 16. The city treasurer shall take receipts for all moneys paid from the treasury, showing the amounts and fund from which payment was made, and the voucher or warrant upon which it was paid, and file the same with the comptroller with his monthly report. Said treasurer shall keep all moneys in his hands, belonging to the city, separate and distinct from his own money, and he is hereby prohibited from using either directly or indirectly corporation moneys, warrants or evidences of debt in his custody, or keeping for his own use or benefit or that of any other person, and he shall exhibit to the council or a committee thereof whenever and as often as the council may require a true condition of the funds on hand and at the same time show that he has all the moneys that there should be in the treasury actually on hand and in cash separate and apart from his personal funds. He shall also credit the said city and actually pay over to same all moneys received by him as interest from any bank or banks from which received. He shall submit to the council at its first meeting in every month a detailed statement of the condition of the city's finances. Any violation of this section shall subject him to immediate removal from office by the city council on a majority vote thereof, who are hereby authorized and empowered to declare the office vacant, and to appoint his successor for the remainder of the term.

To take receipt
and file
vouchers.

To credit city
and pay over
moneys re-
ceived.

CITY SURVEYOR.

SEC. 18. The city surveyor shall have and exercise within the city like power and duties as are conferred by law upon county surveyor, and the like effect and validity shall be given to his official acts, surveys and plats as are given by law to the acts and surveys of the county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications required by the common council or officers of the city relating to public improvements, buildings, grounds and streets of said city, and all other city matters. He shall keep a record of all monuments, field notes, minutes and surveys made within the city in a book to be provided for the purpose, which shall be the property of the city, and turned over by the surveyor with all other records, files, minutes and proceedings made by him in the discharge of his duties, to the comptroller of the city at the expiration of the surveyor's term of office, and as a condition precedent to his entering upon the discharge of the duties of his office, he shall execute a bond to said city in the penal sum of two thousand dollars with two sufficient sureties thereon to be approved by the common council conditioned for the faithful discharge of the duties of his said office.

Powers and
duties of sur-
veyor.

To keep record
of surveys.

To execute
bond.

THE CONSTABLES.

Powers and
authority of
constables.

SEC. 21. The constables of the city shall have the [like] powers and authorities in matters of civil and criminal nature and in relation to the services of all manner of criminal process as are conferred by law upon constables of townships and shall receive the like fees for their services. That they shall have no power to serve process issued for breaches of the city charter or ordinances of said city, except as specially provided.

To obey orders
of mayor and
aldermen.

SEC. 22. The constables of the city shall obey all lawful orders of the mayor, aldermen and chief of police, and of any court or justice of the peace touching jurisdiction of causes for breaches of the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution or regulation of the council, except as limited by the charter of the city, and for any neglect or refusal to perform any duty required of them, every constable shall be subject to a penalty of not to exceed five dollars (\$5.00) nor more than fifty dollars (\$50.00). Every constable before entering upon the duties of his office shall give such security for the performance of the duties of his office as required of constables of townships, or as may be required by the common council, and file the same with the recorder.

JUSTICES OF THE PEACE.

Justices of the
peace, juris-
diction of.

SEC. 23. The justices of the peace of the city, except as herein provided, shall have and exercise therein and within the county the same jurisdiction and power in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects as far as occasion may require, as or may be conferred upon or required of justices of the peace by the general laws of the State, and the proceedings in all suits and actions before said justices and in the exercise of the powers and duties conferred upon and required of them shall, except as otherwise provided in this act, be according to and be governed by the general laws applicable to courts or justices of the peace, and to the proceedings before such officers together with jurisdiction of civil cases where either of the parties thereto reside in the county of Chippewa.

May perform
duties of police
justice.

SEC. 24. In the absence of the police justice or if for any reason he shall be disqualified or incapacitated from hearing any case or performing any duty of his office, the same may be heard or performed by any of the remaining justices of the peace, who in all respect shall be governed by the provisions of this act and ordinances of the city relative to police justices.

SEC. 25. Every justice of the peace shall account on oath to the common council at their first meeting in each month for all such moneys, wares and property seized as stolen property as shall then remain in his office, and shall make such disposition thereof as shall be prescribed by the charter and ordinances of the city, and pay over to the city treasurer weekly all moneys received by him belonging to the city.

To render
monthly ac-
count to
council.

SEC. 26. All fines recovered for the violation of the penal laws of the State, when collected, shall be paid over to the county treasurer, to be disposed of as provided by law.

Disposition of
fines collected
by.

SEC. 27. Any justice of the peace who shall be guilty of misconduct in office, or who shall wilfully neglect or refuse to perform or discharge any of the duties of his office required by this act, or of any of the laws of the state or ordinances of the said city, shall be deemed guilty of a misdemeanor, and punished accordingly, and may be suspended from office by the common council during its pleasure, and removed from office by the governor of the State.

Punishment of,
for misconduct.

POLICE JUSTICES.

SEC. 30. The police justice shall enter in the docket kept by him the title of all suits and prosecutions commenced or prosecuted by him for violations of the city charter or ordinances of the city, and all the proceedings, and the judgment rendered in every such cause, and the items of all costs taxed or allowed therein, and also the amounts and dates of payment of all fines, penalties and forfeitures, moneys and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by him at all times to the examination of any person desiring to examine the same, and shall be produced by him to the common council whenever required.

Police justice
docket of, what
to enter in.

SEC. 31. The police justice, if for any reason he shall be disqualified, incapacitated from hearing any cause or naturally absent from court, may, by an order in writing, with notice to the parties to said cause, transfer any cause or suit pending before him to any justice of the peace of said city, who shall thereupon have power to proceed in said cause in all respects as the police justice has done under this act and with like effect.

May transfer
suits.

SEC. 32. All fines, penalties and forfeitures collected by him for or on account of violations of any ordinance of the city, shall be paid over by him to the city treasurer within one week after the collections are received, and he shall take the receipt of the city treasurer therefor, and file the same with the city comptroller immediately after receiving the same.

Disposition of
fines collected
by.

Punishment of,
for misconduct.

SEC. 36. All police justices who shall be guilty of misconduct in office, or who shall wilfully neglect or refuse to perform or discharge any of the duties of his office required by this act or any of the ordinances of the city, shall be deemed guilty of a misdemeanor, punishable accordingly, and may be suspended from office by the common council during its pleasure, or removed from office by the governor of the State.

OTHER DUTIES AND SALARIES.

Additional
rights, powers,
etc., of all
officers.

SEC. 37. In addition to the rights, powers, duties and liability of officers prescribed in this act all officers whether elected or appointed by the common council shall have such other rights, powers, duties and liabilities subject to and consistent with this act as the common council shall deem expedient and prescribed by ordinance or resolution.

Compensation
of mayor and
aldermen.

SEC. 38. The mayor and aldermen of the city shall receive as full compensation for all the duties of their respective offices the sum of one dollar (\$1.00) for each meeting of the common council as they shall respectively be in attendance, except as herein otherwise provided: *Provided, however,* That the number of meetings of the city in one year for which pay shall be drawn shall not exceed fifty-two: *Provided, further,* That for services rendered as members of the board of supervisors of Chippewa county, they shall receive the same compensation as other members of the board, to be paid in the same manner: *And provided further,* That they may also receive such compensation as the common council may allow them for services on the board of registration and as inspectors of election, and on boards of review. The treasurer, justices of the peace and constables shall receive such fees as are provided for in this act and by the general laws of the State, but in addition thereto, the city treasurer, police justice and all other officers, elective or appointed, shall receive such emoluments as shall be fixed by the common council of said city at the first regular meeting in the month of March, prior to the commencement of the term of such officers: *Provided,* That if the salaries shall not be fixed at that date, the same shall be fixed as soon thereafter as may be.

Proviso.

Compensation
of other officers.

CHAPTER VI.

Common coun-
cil, mayor to be
president of.

SEC. 2. The mayor shall be president of the common council and preside at the meetings thereof, but shall have no vote therein, except in case of tie, when he shall have the casting vote: *Provided,* No ordinances or resolution passed by the common council authorizing any public improvement or for or concerning the same, or for the payment of any money by

Proviso as to
veto.

the treasurer or the creation of any indebtedness or liability against the city, shall have any force or effect if the mayor or other officer legally exercising the office of mayor, shall within twenty-four hours after the passage of said ordinance or resolution lodge in the office of the city clerk his reasons in writing why the same should not go into effect unless it shall at a subsequent meeting of the council be passed by a two-thirds vote of a majority of all the members of the common council elect, exclusive of the mayor, and if so repassed it shall go into effect according to the terms thereof. No ordinance or resolution of the common council for any of the purposes mentioned in this section shall go into effect until the expiration of twenty-four hours after the passage. It shall be the duty of the city recorder to communicate to the common council at the next meeting thereof any paper that may be lodged with him pursuant to the provisions of this section.

Ordinances,
when to go
into effect.

SEC. 6. All meetings and sessions of the common council shall be held in public. A majority of the aldermen shall be a quorum for the transaction of business. A less number may adjourn from time to time and compel the attendance of absent members in such manner as shall be prescribed by ordinance, but no office shall be created or abolished nor any tax nor assessment be imposed, street, streets, alley or public grounds be vacated, real estate or any interest therein sold or disposed of, or private property taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect. Nor shall any vote of the council be reconsidered or rescinded unless as many aldermen vote for the reconsideration or rescission as voted for the passage of the original resolution or ordinance thereof. No money shall be appropriated except by ordinance or resolution of the common council adopted by a yea and nay vote. And when the mayor or other officer legally exercising the office of mayor shall within twenty-four hours after the passage of any such ordinance or resolution, lodge in the office of the city recorder his reasons in writing why the same shall not go into effect, then such ordinance and resolution must be adopted by a yea and nay vote of two-thirds of all the aldermen elect.

Meetings to be
public.

SEC. 9. The comptroller, city attorney, city surveyor, engineer of fire departments, chairman of the board of public works and city marshal shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the common council may from time to time prescribe, but without the right to vote. Such officers may be required to attend the meetings of the common council in the same manner as members.

Certain officers
to have seats in
the council.

SEC. 13. No member of the common council or any officer of the corporation shall be interested directly or indirectly in the profits of any contract, job or any services other than

City officers not
to be interested
in contracts.

official services to be performed for the corporations nor of any property sold or released by the city.

Penalty for violation of Sec. 13.

SEC. 14. Any member of the common council or officer of the city herein specified violating any of the provisions of section thirteen of this title shall upon conviction thereof be fined not less than five hundred dollars nor more than one thousand dollars, or be imprisoned in the county jail not less than six months nor more than one year or both such fine and imprisonment in the discretion of the court, and shall forfeit his office, and the same shall upon conviction become vacant.

Who may administer oaths in case of investigation.

SEC. 17. Whenever the common council or any committee of the members thereof are authorized to compel the attendance of witnesses for the investigation of matters which come before them, the presiding officer of the common council or chairman of said committee for the time being, or any justice of the peace of said city, shall have power to administer oaths and said common council or committee shall have power to compel the witnesses to testify as is conferred on courts of justices of the peace.

Accounts, how audited.

SEC. 18. The council shall audit and allow all accounts chargeable against the city, but no account, claim or contract shall be received for audit or allowance unless it shall be accompanied with an affidavit of the person rendering it to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief, no set-off exists nor payment has been made on account thereof, except such as are endorsed or referred to in such account or claim, and every such account shall exhibit in detail all the items making up the amount claimed and the true date of each: *Provided*, That no such claim or account shall be audited or allowed by the common council except claims for personal labor and for expenditures rendered necessary in emergency cases, until the same in the manner and form hereinbefore provided shall have been filed with the comptroller of said city at least one week before such audit and allowance. It shall be a sufficient defense in any court to any action or proceeding for the collection of any demand or claim against the city that it has never been presented and verified as aforesaid to the common council for allowance or that the claim was presented without the affidavit aforesaid and rejected for that reason or that the same had not been filed with the comptroller as hereinbefore provided, or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it, and no order shall be drawn, signed, countersigned or paid unless the bill therefor is itemized, verified and filed except as herein otherwise provided.

Defense in action against city, for accounts.

CHAPTER VIII.

ENFORCEMENT OF ORDINANCES.

SECTION 1. Prosecutions for violations of the charter or ordinances of the city shall be commenced within two years after the commission of the offense and shall be brought within the city.

When prosecutions for violation of ordinances to be commenced.

SEC. 12. Any party convicted of a violation of the charter or of any ordinance of the city in a suit commenced by warrant as aforesaid may remove the judgment and proceeding into the circuit court for the county of Chippewa, by appeal or a writ or *certiorari* and the proceedings therefor and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court shall be the same as on appeal and *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture of such violation, either party may appeal from the judgment or remove the proceedings by *certiorari* into the circuit court and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given as in cases of appeal and *certiorari* in civil causes tried before justices of the peace, except that the city shall not be required to give a bond or security thereon. The circuit court to which the cause shall be appealed or removed by *certiorari* shall also take judicial notice of the ordinances of the city, and the resolution of the council and the provisions thereof.

Appeal may be taken.

Proceedings under.

CHAPTER IX.

GENERAL POWERS OF THE CITY.

SECTION 1. The city, shall, in addition to other powers as are herein conferred, have the general powers and authority in this chapter mentioned, and the council may pass such ordinances in relation thereto and for the exercise of the same as they may deem proper, [viz.] namely:

Powers of council relative to.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riot; to preserve the peace and good order, and to protect the property of the corporation and its inhabitants and of any association, public or private corporation or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

Vice, immorality.

Second, To apprehend and punish vagrants, drunkards, disorderly persons and common prostitutes;

Vagrants.

Injury, annoyance.

Third, To prevent injury or annoyance from anything dangerous, offensive or unhealthy, to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances and to punish those occasioning them or neglecting or refusing to abate, discontinue or remove the same; and generally to determine and declare what shall be deemed nuisances;

Disorderly houses.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

Billiard tables.

Fifth, To regulate and license billiard tables, nine or ten pin alleys, or tables and ball alleys, and to punish the keepers thereof;

Gaming.

Sixth, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

Ale houses.

Seventh, To regulate ale, beer, and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting to carry on the business thereof, and to require all such places to be closed on the Sabbath day or day of the week commonly called Sunday, and upon such other days and during such hours of every night as the common council shall prescribe;

Spirituuous liquors.

Eighth, To prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors to any drunkard or intemperate person, minor or apprentice, and to punish any person so doing;

Sports, exhibitions.

Ninth, To regulate, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions, whatever name and nature, for which money or other reward is in any manner demanded or received;

Violation of the Sabbath.

Tenth, To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose; and to require all places of business to be closed on the Sabbath day;

Auctions.

Eleventh, To license auctioneers, auctions and sale at auction; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys or upon any public grounds within said city; to regulate or prohibit the sale of goods, wares, property or anything at auction by any manner of public biddings or offers by the buyers or sellers, after the manner of auction sales or Dutch auctions, and to license the same, and to regulate the fees to be paid by and to auctioneers, but no license shall be required in case of sale required by law to be made at auction or public vendue;

Hawkers, peddlers and pawnbrokers.

Twelfth, To license hawkers, peddlers and pawnbrokers, and hawking and peddling, and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments,

or any kind of property or thing, by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device in the streets, highways, or in or upon the wharves, docks, open spaces or places, public buildings or grounds in the city, or from any steamboat, sailing craft, or boat of any description, lying at anchor alongside any wharf or dock, or in any of the waters within the jurisdiction of said city;

Thirteenth, To license and regulate wharf-boats, and to regulate the use of tugs and other boats used in and about the harbor, and within the jurisdiction of the city; **Boats.**

Fourteenth, To establish or authorize, license and regulate, ferries to and from the city or any place therein, or from one part of the city to another, and to regulate and prescribe, from time to time, the charges and prices for the transportation of persons and property thereon; **Ferries.**

Fifteenth, To regulate and license all taverns and houses of public entertainment, all saloons, restaurants and eating houses; **Taverns.**

Sixteenth, To license and regulate all vehicles of every kind used for the transportation of persons, or property for hire in the city; **License of vehicles.**

Seventeenth, To regulate and license all toll bridges within the city, and to prescribe the rates and charges for the passage over the same; **Toll bridges.**

Eighteenth, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meal, and other provisions; **Meats, fish.**

Nineteenth, To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay, and any articles of merchandise; **Brick, lumber, wood.**

Twentieth, To provide for the inspection and scaling of weights and measures; **Weights and measures.**

Twenty-first, To enforce the keeping and use of proper weights and measures by vendors; **Vaults, cisterns.**

Twenty-second, To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters; **Indecent exposure.**

Twenty-third, To prohibit and prevent, in the streets, or elsewhere in said city, indecent exposure of the person, the show, sale or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings and books or pamphlets, and all indecent or obscene exhibitions and shows (show) of every kind;

Twenty-fourth, To regulate or prohibit bathing in the rivers, ponds, streams and waters of the city; **Bathing.**

Twenty-fifth, To provide for clearing the rivers, streams, ponds of the city and the races connected therewith of all drift wood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters therein impure, unwholesome and offensive; **Clearing river.**

Offensive places.

Twenty-sixth, To compel the owner or occupant of any grocery, tallow chandler's shop, soap or candle factory, butcher shop or stall, slaughter house, stable, barn, privy, sewer or other offensive, nauseous or unwholesome place or house, to cleanse, remove, or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of said city;

Gunpowder.

Twenty-seventh, To regulate the keeping, selling and using of gunpowder, firecrackers and fireworks and other combustible material (materials) and the exhibition of fireworks, and the discharge of firearms, and to restrain the making or lighting of fires in the streets and other open spaces in the city;

Cellars, barns.

Twenty-eighth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter or repair the same or cause the same to be done by some proper officer of the corporation, and to assess the expense (expenses) thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon;

Mock auctions.

Twenty-ninth, To prohibit, prevent, and suppress mock auctions and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing or attempting to manage, use or practice the same, and all persons aiding in the managing or practice thereof;

Lotteries.

Thirtieth, To prohibit, prevent and suppress all lotteries, for the drawing of disposing of money or any other property whatsoever, and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, directing or managing the same;

Solicitors for passengers.

Thirty-first, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat or railroad, also draymen, carmen, carriages, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Paupers.

Thirty-second, To provide for the care and protection of paupers, and to prohibit and prevent all persons from bringing to the city from any other place any paupers (pauper) or other person likely to become a charge upon said city, and to punish therefor;

Census.

Thirty-third, To provide for taking a census of the inhabitants of the city whenever the council shall see fit, and to direct and regulate the same;

Cemeteries.

Thirty-fourth, To protect and regulate all cemeteries or graveyards within the city, and all such without the limits of said city, as such corporation may acquire and to regulate the burial of the dead and the keeping of bills of mortality;

Pounds.

Thirty-fifth, To establish, regulate and maintain one or more pounds, and to restrain and prevent or regulate the running at

large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of same for the penalty incurred and the cost of keeping and impounding:

Thirty-sixth, To license and regulate the running at large of Dogs. dogs, to require them to be muzzled and to authorize their destruction when running at large in violation of any ordinance;

Thirty-seventh, To establish, maintain and operate a plant Electric lighting. for lighting said city by electricity or otherwise, whenever a majority of the electors voting on a proposition at the general or special election called and held for that purpose shall so determine. And to furnish such light to private individuals, if the council shall so determine, at a price to be fixed and determined by ordinance;

Thirty-eighth, And further: The council shall have authority Safety, order and good government. to enact all ordinances and to make all such regulations, consistent with the laws of the constitution of the State, as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof, but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever.

SEC. 2. The council may prescribe the terms and conditions Licenses. upon which licenses may be granted, and may exact and require payment of such sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the city in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter and ordinances of said city, and otherwise conditioned as the council may prescribe. Every license shall be revokable by the council Revocation of licenses. at pleasure, and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

SEC. 3. No license shall be granted for any term beyond Time for which licenses may be granted. the first Monday in May next thereafter, nor shall any license be transferable; and the council may provide for punishment by fine or imprisonment, or both, of any person, who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the city.

SEC. 4. All sums received for licenses granted for any purpose by the city, or under its authority, shall be paid into the city treasurer to the credit of the contingent fund. Sums received for, how disposed of.

Council may regulate laying of railroad.

SEC. 5. The council shall have authority to permit any railroad company to lay its track and operate its road with steam locomotives, in or across the public streets, highways or alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company as the council may prescribe, and to prohibit the laying of such track or the operating of any such road, except upon such terms and conditions.

Council may compel railroad companies to change grade.

SEC. 6. The council shall have power to provide for and change the location and grade of all street crossings of any railroad track, and to compel any railroad company to raise or lower their railroad track to conform to street grades which may be established by the city from time to time, and to construct street crossings in such manner and with such protection to persons crossing thereat as the council may require, and to keep them in repair; also to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night, to regulate and prescribe the speed of all locomotives and railroad trains within the city; but such speed shall not be required to be less than four miles per hour, and to impose a fine of not less than five nor more than fifty dollars upon any such company, and upon any engineer or conductor violating any ordinance of said city regulating the speed of trains.

Speed of trains.

Drains, sewers, etc., along or across railroad tracks.

SEC. 7. The council shall have power to require and compel any railroad company and any street railway company, to make, keep open and repair such ditches, drains, sewers and culverts along and under or across their railroad tracks, as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company shall neglect to perform and such requirement according to the direction of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company in a civil action before any court having jurisdiction of the cause.

Street railways.

SEC. 8. The council may grant to any company or companies, corporation or corporations organized for that purpose, the exclusive right to construct and operate in such streets of the city as shall be designated in the ordinance or ordinances granting said franchise or franchises, a street railway or street railways for such a term of years, not to exceed twenty in any one grant and under such terms and conditions as the council may prescribe.

Partition fences.

SEC. 9. The council is authorized to enact all such ordinances and laws as it may deem proper, relative to the build-

ing, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, enclosures and parcels of land in said city, and relative to the assigning to the owner or occupants of such places of land the portion of such partition fences to be maintained by them respectively, and may provide for the recording of such assignments and divisions when made, and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence viewers and prescribe their duties and mode of proceeding in all cases relating to partition fences in said city. No barbed wire shall be placed, kept or maintained in, along or within six feet of any public street, lane, alley, park or other public space or grounds within said city, and the court of chancery shall have power to enforce this provision by injunction or other proper remedy, and the common council shall also have the power to pass, and the proper court or courts shall have the power to enforce all necessary or proper ordinances providing a penalty or penalties for a violation of these provisions prohibiting such use of barbed wire.

Fence viewers.

Barbed wire.

SEC. 10. The council may make such provisions as they may (shall) deem expedient for the support and relief of poor persons residing in the city, and for that purpose may provide by ordinance for the election or appointment of a director of the poor for the city, and may prescribe his duties, and invest him with such authority as may be proper for the due exercise of his duties.

Director of the poor.

SEC. 11. The city may acquire, purchase and erect all such buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes necessary for the public uses and executive powers conferred by this act. And such public buildings and grounds, or any part thereof, may be sold, leased, mortgaged and disposed of as occasion may require: *Provided*, That not more than twenty thousand dollars shall be used in any one year for the purpose of purchasing real estate or erecting public buildings, unless authorized by a majority vote of the electors of said city.

May erect buildings.

SEC. 12. When the council shall deem it for the public interest, grounds and buildings for city prisons, workhouses, hospitals, pest house, cemeteries, water works, and other necessary public uses, may be purchased, erected and maintained within or beyond the corporate limits of the city; and in such cases the council shall have authority to enforce beyond the limits of the city, and over such lands, buildings and property, in the same manner and to the same extent as if they were situated within the city; all such ordinances and police regulations as may be necessary for the care and protection thereof,

Council may purchase grounds for.

and for the management and control of the persons kept or confined in such prisons, workhouses or hospitals.

Public grounds
and parks.

SEC. 13. The council shall have authority to lay out, establish and enlarge public grounds and parks within the city, and to improve, light and ornament the same, and to regulate the care thereof, and to protect the same and the appurtenances thereof from obstruction, encroachments and injury, and from nuisances.

CHAPTER XI.

Prisoners may
be kept at hard
labor.

SEC. 2. All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines for violation of the ordinances of the city, may be kept at hard labor during the term of such imprisonment, either within or without the prison, under such regulations as the council may prescribe.

CHAPTER XII.

Jurisdiction of
council relative
to health.

SECTION 1. The council may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants of the city, and to prevent the introduction of malignant, infectious or contagious diseases within the city, or within one mile thereof, and for the removal of persons having such diseases, or who from exposure thereto, or otherwise, may be suspected or believed to be liable to communicate the same beyond the city limits, or to such hospital or place of treatment within the city as the council may prescribe or the public safety may require.

CHAPTER XVII.

BOARD OF PUBLIC WORKS.

Board of public
works.

SECTION 1. There shall be a board of public works in said city, which shall consist of the mayor and two good and competent men who are electors therein, and who shall be appointed by the council. The full term of the appointed members shall be one year. Appointments for the full term shall be made on the third Monday of April, in each year or as soon after such day as may be, except to fill vacancies. Members shall hold over and execute the duties of the office until appointees to succeed them qualify and enter upon their duties.

To take oath of
office.

Each member shall take the oath of office prescribed for city officers, and within such time as shall be fixed therefor

by the common council, execute to the city and file with the recorder a bond in such sum as the common council shall order, and with sufficient surety or sureties, to be approved by the council conditioned for the faithful performance by such member of the duties of the office. In case of vacancy caused by death, resignation, removal from the city, or otherwise, an appointment for the unexpired term shall be made with as little delay as possible and in the same manner as appointments for the full terms. And any such appointee shall, within such time as the common council shall fix, take the like oath and execute and file with the recorder the like bond required of members appointed for full terms. No appointive member of said board shall hold any office under the charter of said city during his continuance as a member of the board, and his election, or appointment to, or acceptance of any office shall be deemed a resignation of membership in the board. Any member may be at any time removed by the council for official misconduct, or the unfaithful or inefficient performance of his duties. But no such removal shall be made until six days' notice shall be given such member.

SEC. 3. The board of public works, subject to the direction and control of the common council, shall have charge of and be responsible for the proper care of the water works and sewer systems of the city. They shall have power to employ a general superintendent of public works at a salary not to exceed one thousand dollars per year and to select the several employes necessary to operate and extend said systems and keep the same in good working order. The board shall provide for the collection of water and sewer rents, and see that the same are turned into the city treasury monthly, and shall also see that the ordinances and regulations of the council in respect to said systems are promptly and strictly enforced. They shall at any time they desire make such recommendations to the council in respect to said systems as they shall deem proper.

To be subject
to control of
council.

CHAPTER XIX.

STREETS AND PUBLIC GROUNDS.

SECTION 1. The common council of the city of Sault Saint Marie shall have full power to lay out, open, widen, alter, close, fill in or grade, vacate or abolish, any highways, streets, avenues, lanes, alleys, public grounds or spaces in said city, whenever they shall deem it a necessary public improvement, and so declare by proper resolution. They shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city, and through the board of public works shall cause the same

Council to have
control of
streets.

to be kept in repair and free from nuisances, encroachments and obstructions.

To be presumptive evidence of existence.

SEC. 2. The common council shall have the power to cause such of the streets and highways in said city as shall have been used for six years or more as public highways or streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described and recorded in the office of the city recorder of said city, in the book of street records, and the recording of such highways, streets, lanes, alleys, or public grounds, so ascertained and described, or which shall hereafter be laid out and established by said common council, and recorded in the book of street records, in the office of the recorder, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley or public ground, therein described. But the city shall not be responsible for the care, improvement or repair of any street or alley, laid out or dedicated to public use by the proprietors or any lands which had not been actually accepted, worked and used by the public as a street or alley before the incorporation of the city under this act, nor for the improvement or repair of any street or alley laid out or dedicated by any such proprietor after such incorporation, unless the dedication shall be accepted and confirmed by the council by an ordinance specially passed for that purpose.

Certain other, etc., excepted.

Sewers, drains, vaults.

SEC. 3. The common council shall have the power to cause common sewers, drains, vaults and bridges, culverts, wells, pumps and reservoirs to be built in any part of said city; to cause the grading, raising, leveling, repairing, mending, paving or covering with stone, brick, blocks, plank, asphalt, or other material, any street, avenue, lane, alley, highway, public ground, sidewalk or crosswalk of said city, but all such improvements shall be done by the board of public works as herein provided, but no such public improvements shall be made by paving in any way except upon an affirmative vote of two-thirds of all the aldermen elect, unless a majority of the property owners having property fronting on the place to be so improved shall have petitioned the common council to make such improvement, in which case a majority of the council shall be sufficient to order the same.

Costs of, how defrayed.

SEC. 4. The common council may determine that the whole or any part of the expense, including costs of estimates, plans, surveys, assessments and other expenses, incident thereto, of any public improvement, shall be defrayed by an assessment on the lands to be benefited thereby; and they shall, either before or after the completion of said public improvement, declare, by resolution, whether the whole, or what portion of such improvement shall be assessed to such lands: *Provided, however,* That the assessment which may be levied upon any lot, block or parcel of real estate shall not exceed the benefit which it is especially deemed to

have received by such improvement. When such improvement is completed, or as soon thereafter as may be convenient, the board of public works shall prepare a detail statement of the cost of such improvement, showing the amount to be assessed upon the property benefited, as provided by the resolution ordering the said improvement. In the levying and collecting of such special assessment, the method indicated by chapter number twenty-one of this act may be followed so far as the same may be applicable: *Provided, however,* That the following method may be followed: Before lands are purchased or condemnation proceedings ordered to obtain land necessary for the opening, widening, extending, straightening or altering any highway, street or alley, or to acquire real estate for any public purpose, the council shall designate what part or portion of the cost and expenses thereof shall be paid for by money raised by special assessment, and in general terms, the district proposed to be assessed. The council may thereupon proceed to negotiate for the purchase of such land, or may order the commencement of condemnation proceedings. Upon obtaining a judgment in condemnation proceedings, or upon obtaining a contract for the purchase of such lands, the common council shall by resolution reciting the condemnation judgment or contract for purchase, direct the last mentioned resolution to be referred to the board of public works, and the board shall thereupon have an estimate made showing the cost of the land and the additional items of expense which have to that time and may thereafter be incurred in securing such land, and also the other matters required in the chapter on special assessments, to be certified by such board of public works to the council. The further proceedings to levy such special assessment shall be in all respects the same as those provided for in said chapter. In case the council shall have contracted, or may hereafter contract, to purchase land on time, for the above named purposes, for each of the several payments a special assessment may be levied not more than six months before such installment may become due. In such case no estimates nor preliminary resolutions shall be required. The comptroller shall be directed to make a special assessment roll of the district first assessed for the purpose of paying a portion of the cost of such improvement. The proceedings for review and collection of such roll shall be the same as in all other cases. All special assessment rolls of the city of Sault Saint Marie heretofore levied are hereby confirmed as legal and valid assessments.

Board of public works to prepare estimates of cost.

Proviso.

SEC. 5. When the council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time not less than four weeks thereafter, when they will meet and hear objections

Vacating streets.

thereto; notice of such meeting, with a copy of said resolution, shall be published for not less than four weeks before the time appointed for such meeting in one of the newspapers of the city. Objections to such proposed act of the council may be filed with the recorder, in writing, and if any such shall be filed, the street, alley or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect.

CHAPTER XXII.

APPROPRIATION OF PRIVATE PROPERTY.

For what purpose private property may be appropriated by the city.

SECTION 1. Private property may be appropriated for public use in the city for the purpose of opening, widening, altering or extending streets, alleys and avenues, for the construction of bridges, for buildings and structures, for the fire department, for public grounds, parks, market places and spaces, for public wharves, slips, basins and landings on navigable waters, and for the improvement of water courses, for sewers, drains and ditches, for water works and for necessary public buildings, hospitals, pest houses and for public cemeteries, and for other lawful and necessary public uses.

Private property, how acquired.

SEC. 2. If it shall become necessary to appropriate private property for the public use or purposes specified, the right to occupy and hold the same and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided by the general laws of this State, relating to the taking of private property, for public use in cities and villages: *Provided*, Nothing herein contained shall prevent the city from acquiring private property for the several uses and purposes herein contained by purchase if the common council shall so decide by a two-thirds vote of all the aldermen elect.

CHAPTER XXIII.

When further appropriations may be made.

SEC. 10. After the passage of the annual appropriation bill no further sums shall be used, raised or appropriated nor shall any further liability be incurred for any purposes to be paid from any of the general funds of the city during the fiscal year for which the appropriation was made unless the proposition to make the appropriation shall be sanctioned by a majority of the electors voting upon the proposition at the next annual city election of said city. But this section shall not prohibit the council from making any necessary repairs or expenditures at a cost not to exceed five thousand dollars,

the necessity for which is caused by casualty or accident happening after making the annual appropriation for the year, and from loaning money therefor: *Provided, however,* That in addition thereto the city council shall have the power and authority to raise by loan such amounts of moneys proposed to be raised for the several funds and purposes of section eight of this act above mentioned, and in the annual appropriation bill of the preceding year stated as shall be returned to the county treasurer of Chippewa county, by the collecting officer of the city and such moneys so borrowed shall be credited to the fund or funds from which the same were raised and shall be used, divided or appropriated for no other purpose and to no other fund.

SEC. 22. The council shall have the authority to contract with the Lake Superior Power Company of Sault Saint Marie, or with its successors, assigns or legal representatives or with any person, corporation or corporations owning the right of way or any part thereof or franchise formerly owned by the Saint Mary's Falls Water Power Company, of Sault Saint Marie, Michigan, for not exceeding six thousand dollars worth of water power, per annum, for a period of not exceeding twenty years, and shall each year include in the annual appropriation bill a sufficient sum to meet the payment of said power, as they fall due upon such contract when made. The council is also authorized to sublet or otherwise dispose of any of the water power so contracted for upon such terms as they may deem advisable.

Council may contract for water power.

CHAPTER XXV.

EDUCATION.

SECTION 1. The city shall constitute a single school district. Said school district shall be a body corporate, by the name and style of "The Public Schools of the City of Sault Saint Marie," and shall possess the usual powers of corporations for public purposes, and in that name may sue and be sued, and purchase, acquire, hold and dispose of such real and personal property as is authorized to be purchased, acquired, held or disposed of by this chapter: *Provided, however,* That such portions of the territory of said city as were, prior to the taking effect of act number five hundred and thirty-three of the local acts of the legislature of the State of Michigan for the year eighteen hundred and eighty-seven, a part of school district number eighteen, of the township of Sault Saint Marie, shall be hereafter considered as forming part of, and including within the boundaries of such school district number eighteen: *Provided, further,* That the electors of said school district number

City to constitute a single school district.

eighteen may, by a vote of a majority thereof at any annual or special meeting of the district, duly called for that purpose, detach that portion of district number eighteen included within the limits of said city, and the territory so detached shall thereupon become a part of said district known as "The Public Schools of the City of Sault Saint Marie."

Board of education, etc., how elected.

SEC. 2. The board of education of such public schools shall consist of five trustees, to be elected for a term of three years, and the regular annual election of school trustees shall be held on the first Tuesday of September of each year: *Provided*, That the members of the present school board shall hold their respective offices until the expiration thereof. At the expiration of the respective terms of office of the present members of the school board, and annually thereafter, their several successors shall be elected for a term of three years and until their successors qualify and enter upon the duties of their respective offices.

Election of trustees, time and place of holding.

SEC. 3. Such annual election of school trustees as above provided shall be held at such place in said city as the board of education shall designate. The polls shall be opened at nine o'clock in the forenoon, and shall continue open, without intermission or adjournment, until the hour of eight o'clock in the afternoon, at which time they shall be finally closed. Said election shall be by ballot, and shall, except as herein otherwise directed, be conducted in all respects in the manner provided by law for conducting the election of officers in graded school districts. Notices of the time and place of holding such election shall be given by the secretary of the board at least ten days before said election, by posting such notices in three of the most public places in each ward of the city, and by publishing a copy thereof in one or more newspapers published in the city the same length of time before election.

Board of inspectors.

SEC. 4. The president and secretary of the board of education, and one other trustee, to be designated by the board, shall constitute a board of inspectors of such election, and if any of said three trustees shall not be present at the time of the opening of the polls, or remain in attendance, the electors present may choose *viva voce* such number of such electors as, with the trustee or trustees present shall constitute a board of three inspectors of election. Each of said inspectors shall take the required oath to faithfully perform the duties of inspector of such election. The president of the board of education shall be chairman of the board of inspectors. In his absence the inspectors shall elect one of their number as such chairman. Every person shall be entitled to vote at such election who is a qualified voter of the city, or qualified by the laws of the State to vote at any election for school officers. The board of inspectors shall have the same authority and powers in maintaining and enforcing order and obedience to their lawful commands at such election and during the canvas of the

Authority and power of.

votes, as are conferred by the general laws of the State upon school officers in similar cases.

SEC. 5. The board of inspectors shall make a poll list of the names of persons voting at such election. They shall also have the right of access to the registration books of the several wards of the city, if they deem it necessary; and for that purpose, they may require the city recorder to attend said election with such registers. To make poll lists.

SEC. 2. There is hereby added to chapter twenty-three of said act, a new section, to stand as section twenty-three, as follows: New section added.

SEC. 23. In addition to and independent of all other sums provided for or authorized to be raised by other provisions of the city charter there may be raised by the issuing of bonds of the city, to run not longer than twenty years at a rate of interest not exceeding six per cent, per annum, a sum not exceeding fifty thousand dollars for the purpose of constructing, supplying, fitting out, furnishing, completing, running, maintaining, and operating within said city a lighting plant for lighting the streets and parks, public buildings, and spaces of the city, provided that the common council shall not be so authorized unless the proposition therefor be first submitted to the electors of said city, at a regular city election or at a special election to be held for the purpose and by such electors adopted by a majority vote of electors voting upon the proposition, which proposition shall also state the amount of bonds authorized to be sold for the purpose of raising money with which to carry out such proposition, for constructing, supplying, fitting out, furnishing, completing, running, maintaining, said lighting plant within said city. And provided that the common council shall have the power, by a two-third vote of all the aldermen elect, if the proposition to bond the city for the purpose aforesaid shall be carried by the electors of said city, to furnish commercial lights whether incandescent or arc, to stores and other places of business and to houses and to lease and let the same at a rental per light not less than ten per cent above the cost of production. All revenue derived by the city from lights so rented or let shall be credited to the electric light fund, to be created and used to defray the expenses of maintaining and operating the public lights used in lighting the streets, parks, public buildings, and spaces in said city, and if there shall be any surplus the same shall be credited to the city's contingent fund. When bonds may be issued for constructing, etc., lighting plant.

SEC. 3. There are hereby added to chapter twenty-five of said act, fifteen new sections, to stand as sections six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty, as follows: New sections added.

SEC. 6. When said polls shall be finally closed the board of inspectors shall proceed publicly to count, determine and declare the number of votes cast and for whom, and shall, on To publicly count votes cast.

To file statement, etc.

the same day, make up and sign a statement in writing, showing the whole number of votes cast, and the number of votes cast for each person for whom votes were cast, which statement, together with the minutes and other papers of the election, shall be filed with the secretary of the board of education. The person or persons who shall have received the highest number of votes for such office of trustee for the several terms designated upon the ballot, shall be declared elected by the board of trustees, and if two or more persons shall have received an equal number of votes where only one trustee is to be elected, said inspectors shall choose one of said persons by lot as such trustee. The ballot shall, when the vote shall have been declared, be returned to the box, and the box be locked and sealed and deposited with the secretary at the time of the filing of said statement. Every person so declared elected to the office of school trustee under the provisions of this act, shall, within five days after such election, qualify by taking and subscribing the required oath of office and filing the same with the secretary of the board of education.

Expenses of election, how paid.

SEC. 7. The board of education shall pay all the expenses of such election from the contingent fund of the district, and shall allow such inspectors of election the same compensation as is allowed to inspectors of election at city elections.

To elect president and secretary.

SEC. 8. At the first regular meeting of the board after each annual election the board shall elect from their own number a president, and they shall also at such time elect a secretary, who may or may not be a member of the board, and whose duties shall be fixed and prescribed by the board: *Provided*, that whenever a secretary shall be elected who is not a member of the board he shall have no vote therein. They shall meet from time to time, as they determine, for the transaction of business, and shall keep a record of all their proceedings.

Control and management of property.

SEC. 9. The board of education shall have the control and management of the property, interests and affairs of the district, and of the schools organized, or that may be organized therein. They shall establish and maintain such primary, graded and high schools as the public interest may require. The schools of the district shall be public and free to all children between the ages of five and twenty years residing within the city, and shall be taught for such length of time, at least, during each year as is or may be required by law in respect to school districts having a like number of children of the ages aforesaid.

Superintendent and teachers.

SEC. 10. The board of education shall appoint and employ a superintendent and the teachers and instructors for the public schools, and shall determine their salaries and define their duties. They shall prescribe the courses of study to be pursued, the books to be used, classify the pupils as may be expedient and provide the necessary apparatus and facilities for instruction, determine the rate of charges for instruction to

pupils not resident in the city, make all regulations necessary or required for the examination of teachers, determine the length of time the schools shall be taught in each year, adopt rules for the regulation and government of the schools, and do whatever may be required to advance the interests of education.

SEC. 11. Said board shall maintain a district library and may apply to the purchase of books therefor, in addition to the amount received on account of fines and forfeitures, such sum annually as they may deem expedient. Library.

SEC. 12. The board of education shall have authority, and it shall be their duty, to determine and establish such number of sites for school houses in the district as may be necessary, and to purchase and procure the land therefor, and to erect and maintain thereon, in proper repair, convenient and suitable school houses and buildings for the use of the public schools, and to provide the proper furniture and appurtenances for such buildings and grounds. They may also lease lands and buildings for the use of the schools, and may sell and dispose of any lands and property of the district when no longer needed. They shall make and enforce all needful regulations for the protection and preservation of the school buildings, property and improvements of the districts, and the council shall also pass all necessary ordinances for that purpose. Sites for school houses.

SEC. 13. The board shall cause a census to be taken annually of all children between the ages of five and twenty years residing in the district, within the time and in the manner required by law and report the same, and make and transmit other necessary reports to the proper officers as designated by law, in order that the district may receive its share of the primary school funds and library moneys. For the purpose of distribution of the primary school funds and moneys collected from fines and penalties, except fines and penalties for violating city ordinances, the city shall be considered the same as a township; and said board shall be entitled to receive from the county treasurer, or other officer, for the use of the public schools, all moneys appropriated or apportioned to the city for primary schools and district libraries. Census.

SEC. 14. The board shall also make and deliver to the city comptroller, annually, in the month of September, in each year, an estimate and report of the amounts necessary to be raised in addition to other school funds, for the entire support of the public schools, including fuel, pay of teachers, purchase of text books and all other school supplies used in the public schools, repairs and other incidental expenses, and the payment of interest and indebtedness falling due, and for the purchase of grounds and the construction of school buildings, for the support of the library and for all purposes of expenditures which the board is authorized or required to make during the ensuing year, specifying the different objects of expense as par- Board to make estimates to council for amount to be raised for school purposes.

particularly as may be; which sums so reported the comptroller shall cause to be raised by tax upon all the taxable property in the city, with the general taxes thereafter to be raised: *Provided*, That the amount so to be raised in any one year for the purchase of grounds and the erection of buildings, and for the payment of indebtedness, and interest thereon, incurred for grounds and buildings, shall not exceed one-half of one per cent., and the amount for the support of the schools and for all the other purposes above mentioned shall not exceed one and one-fourth per cent on the dollar of the taxable valuation of the real and personal property in the city, as shown by the tax roll of the preceding year.

To publish
statement of
number of
schools,
teachers,
pupils.

SEC. 15. The board, shall, during the last week of the month of September, in each year, publish a statement of the number of schools in the city, the number of teachers employed, and of the pupils instructed therein during the preceding year, and the branches of education pursued in such schools, and, at the same time, make and publish a statement of all the receipts and expenditures of the district for the preceding year, showing the items thereof, the sources of income, the amount of salaries paid to officers, teachers and employes, and to whom paid, the obligations incurred during the year and the amount of indebtedness outstanding and to whom payable; and also the estimates required to be made, as in the preceding section mentioned, of the expenditures for grounds and buildings and for the support of the schools for the ensuing year, and the items thereof, all of which shall be recorded with the proceedings of the board.

Board may
borrow for
current ex-
penses.

SEC. 16. For the payment of current expenses the board may borrow from time to time, in anticipation of the collection of taxes levied, or herein authorized to be levied, during the coming year, for school purposes, such sum, not exceeding fifty per cent of the tax, to be paid therefrom, as they may deem expedient. Should any greater sum be required in any one year, for the purchase of grounds, the erection of school buildings, and for the payment of indebtedness incurred for such purposes, than can be raised under the provisions of the foregoing section, such sum, not exceeding two per cent of the taxable valuation of the property in the city for the preceding year, may be raised by tax or loan, if authorized by a majority vote of the qualified electors of the district present at any general meeting, or at any special meeting appointed and called by the board for the purpose of voting thereon. Notice of the time and place and object of any such meeting shall be given by publishing such notice in one of the newspapers of the city and by posting copies thereof in ten public places in the city at least ten days before the meeting. For any sums borrowed, and for the renewing of former loans, the board may issue the bonds of the public schools of the city, for payment of which the faith of the district shall be pledged.

SEC. 17. The treasurer shall give bonds to the public schools of the city in such sums and with such sureties as the board of education shall approve, conditioned for the faithful performance of the duties of his office. All school and library moneys receivable from the county treasurer and from the collection of taxes and other sources, shall be deposited with the treasurer of the public schools, and shall not be used, applied to or paid out for any purpose, except upon the written order of the president, countersigned by the secretary of the board. Any officer or person paying to the treasurer any money belonging to the public schools shall take duplicate receipts therefor, and transmit one of them to the secretary of the board.

Treasurer to
give bonds.

SEC. 18. The secretary of the board shall receive such compensation for his services as such officer as the board may determine; otherwise no member of the board shall receive any compensation except as herein provided. No member of the board shall be a party to, or interested in, any contract with the public schools.

Compensation
of secretary.

SEC. 19. All the school buildings, property and effects situated within the city at the time of the passage of this act shall, upon such passage, be vested in and be the property of the district hereby designated as "The Public Schools of the City of Sault Saint Marie;" and all the debts and liabilities of the school district within the territory incorporated as a school district by this act shall be the debt of, and be paid by, the district as herein constituted; and any suit pending against such former school district shall be continued to judgment. Any tax levied and uncollected in any such former district shall be collected and enforced in the same manner as if this act had not been passed.

Property to be
vested, how.

SEC. 20. All resignation of trustees shall be made to the board of education, subject to their approval and acceptance. The board shall have power to fill any vacancies that may occur in their number until their next annual election.

Resignations.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 456.]

AN ACT to incorporate the public schools of district number nine of North Star, and enlarge its boundaries.

SECTION 1. *The People of the State of Michigan enact, That* so much of the township of North Star, in the county of Gratiot and State of Michigan, as would be included in the following descriptions, to [wit] namely, The southwest quarter of the

Descriptions.

Privileges conferred by law.

Officers of district.

Annual meeting.

Majority of votes declared elected.

District not entitled to property of former district.

Proviso.

southwest quarter, and the north half of the southwest quarter of section ten, entire section fifteen, except one acre in a square form in the southeast corner, entire sections sixteen, twenty-one and twenty-two of said township, shall constitute a single school district, to be known and designated as graded school district number nine of North Star and such school district shall have all the powers and privileges conferred upon graded school districts by general law, and hereafter all schools organized therein in pursuance of this act, under the direction and regulation of the school board shall be free to all children actual residents within the limits thereof, between the ages of five and twenty years, inclusive.

SEC. 2. The officers of said district shall consist of five trustees, three of whom shall be the present school district officers of school district number nine of North Star, to [wit] namely: William Klackner, Charles N. Hoffman and Frank Clapp. The other trustees shall be Alvin D. Clark and John Swartzmiller, resident freeholders of the aforesaid district, who shall be, and are hereby constituted trustees and officers of graded school district number nine of North Star, and shall continue to hold their offices until their successors are elected and qualified. Said board shall, within twenty days after this act shall take effect, meet and elect from their own number a moderator, director and assessor, and for cause, may remove the same and appoint others of their number in their places, who shall perform the duties prescribed by law for such officers in other graded school districts in this State. The trustees shall have power to fill any vacancy that may occur in their number until the annual meeting.

SEC. 3. At the first annual school meeting, which shall be held on the first Monday in September, eighteen hundred and ninety-seven, there shall be elected by ballot from the qualified electors of the district, one trustee for the term of one year, two for the term of two years, and two for the term of three years, and annually thereafter a successor or successors to the trustee or trustees whose term of office shall expire. Such trustee or trustees so elected shall hold the office for the term of three years, and until his or their successor or successors shall have been elected and filed his or their acceptance: *Provided also*, That in the election of trustees and all other school officers, the person receiving a majority of all votes cast shall be declared elected.

SEC. 4. Said district number nine shall not be entitled to any property or money from the district from which territory is taken. But all property and moneys belonging to said districts from which territory is taken, shall remain in said districts and belong to them the same as if no territory had been taken from said districts: *Provided also*, That the formation of the graded school district as provided in this act shall

not interfere with the schools in any of the districts of which this district forms a part during the present school year.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 457.]

AN ACT to authorize the City of Sturgis, in the County of Saint Joseph, to borrow money and to issue bonds therefor, for the purpose of making public improvements, including the construction and erection of public buildings and the purchase of sites therefor.

SECTION 1. *The People of the State of Michigan enact*, That the city of Sturgis, in the county of Saint Joseph, is hereby authorized and empowered to borrow fifty thousand dollars on the faith and credit of said city, and to issue its bonds therefor, to be used in making public improvements, including the construction and erection of public buildings in said city, to be used in said city as the council may determine, and for the purchase of sites for such public buildings: *Provided*, The council of said city, by a two-thirds vote, shall first determine so to do: *Provided, further*, That a majority of the qualified electors of said city, voting on the question of such loan, shall be in the affirmative, and if such loan shall be authorized by a majority of such qualified electors, such bonds may be issued in such amounts and payable at such times, with such rate of interest, not exceeding six per cent per annum, as the common council of said city shall direct, and shall be signed by the mayor and countersigned by the treasurer of said city, and sealed with the seal thereof, and shall be negotiated under the directions of the common council, but not for less than the face value thereof, and the money arising therefrom shall be expended for the purposes mentioned in this act, and for no other purpose.

May issue bonds.

Determined by vote of electors.

SEC. 2. If the county of Saint Joseph should determine to remove the county seat of Saint Joseph county to said city of Sturgis, the said city, by its common council, is hereby authorized to make such contract or agreement in relation to the building of such public buildings, and the use of such as county buildings of the county of Saint Joseph, as in the opinion of the board of supervisors of said county and the common council of said city will protect the rights and interest of said county and city. If such bonds shall be issued as hereinbefore authorized, it shall be the duty of the common council of said city from time to time to levy and assess such taxes upon the

Council authorized to make contract relative to use of buildings for use of county.

Council may assess property to pay bonds.

taxable property of said city as may be necessary to meet and pay the interest and principal of such bonds, as the same may become due.

This act is ordered to take immediate effect.

Approved May 28, 1897.

[No. 458.]

AN ACT to authorize the counties of Antrim and Kalkaska to build and maintain a bridge across the Torch river, and appropriate the money therefor; to levy the same in the general taxes upon such counties, and collect in the usual manner of collecting taxes.

To build and maintain bridge.

SECTION 1. *The People of the State of Michigan enact*, That the counties of Antrim and Kalkaska in this State are hereby authorized and empowered to build and maintain a bridge across the Torch river on the boundary line between said counties as the board of supervisors may jointly direct.

Board of supervisors to authorize a site for bridge.

SEC. 2. The board of supervisors of the counties aforesaid are hereby authorized to designate a site for said bridge upon the boundary line between said counties, to determine the kind and material for such bridge, and to provide plans, specifications and estimate of cost therefor; to let the contract for the building of the same, and to have joint control of the building and maintaining of said bridge.

To appropriate from general fund to build.

SEC. 3. That the counties of Antrim and Kalkaska by the board of supervisors of said counties shall appropriate out of the general fund of said counties, according to the assessed valuation of the property *pro rata*, sufficient funds to build the bridge as provided for in section one, of this act, according to the plans, specifications and estimates provided for in section two and they shall cause to be spread upon the general tax roll the amount of money thus appropriated for such bridge, to be levied and collected with the other taxes for eighteen hundred and ninety-seven, or thereafter, as they may determine.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 459.]

AN ACT to establish a sinking fund in Bay County, and to provide for the levying of a tax for the payment of bonds as they may become due.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors of the county of Bay, may by a vote of two-thirds of its members elect, establish a sinking fund for the purpose of the payment of its bonds now outstanding, or that may hereafter be issued as they become due.

Board of supervisors may establish sinking fund.

SEC. 2. It shall be lawful for the board of supervisors at its annual session to levy a tax of not to exceed one-twentieth of one per cent. on each dollar of the equalized valuation of the taxable property of the county, for the purpose of creating said fund, and as fast as said tax is collected and paid in, it shall be placed by the county treasurer, to the credit of said fund to be known as "Bay County Sinking Fund."

May levy tax for such fund.

SEC. 3. The board of supervisors shall have power, by resolution, to transfer to the credit of said sinking fund, all moneys received into the county treasury not heretofore appropriated, or levied for a specific purpose. Also all moneys received as fines into the county treasury under existing laws and also all interest paid into the treasury on delinquent taxes; also any surplus which may stand to the credit of any other fund in the county treasurer's hands, also any interest which may accrue to the county for funds on hand.

May transfer certain moneys to such fund.

SEC. 4. The chairman of the board of supervisors, county treasurer, county clerk, judge of probate and chairman of the ways and means committee, and their successors in office, by virtue of their offices, shall be the board of commissioners of the county sinking fund. They shall from time to time, upon the best terms they can make, purchase or pay the outstanding debt of said county, or any part thereof as they may be able to purchase, or to pay, until the same be fully purchased or paid. And all bonds and evidences of debt thus purchased or paid shall be delivered to the treasurer of the county, and shall become and be the property of the commissioners of the sinking fund, and the interest thereon shall be credited and belong to the sinking fund. The county treasurer shall endorse upon the back of all bonds so purchased by the commission of the county sinking fund, for the benefit of that fund, the following, viz: "Registered bonds, not transferable, without written consent of each individual member of said commission endorsed thereon," and whenever they cannot arrange for the purchasing or paying of said debt or any part thereof, they shall temporarily, and until they can so arrange, invest the money belonging to said sinking fund in such securities bearing interest, or deposited in such places as they deem safe and advisable for the

Who to constitute board of commissioners.

How money temporarily invested.

best rate of interest they can get. Said commissioners shall from time to time, and whenever requested by the board of supervisors make report of their doings, which report shall be made to the board of supervisors, referred and filed with the county clerk and recorded by him in some proper book to be provided for that purpose.

Commissioners
not to pay debt
except under
resolution.

SEC. 5. Said sinking fund commissioners shall meet from time to time for the transaction of business, but they shall not purchase in or pay outstanding funding debt of said county, or invest any of the money belonging to the sinking fund as above provided, except under a resolution for such purpose, passed and approved by a vote of a majority of the whole commission, and by yea and nay, to be entered of record. The chairman of the board of supervisors, or in his absence, some member to be appointed by those present, shall preside at their meetings. The county clerk shall be secretary of said board, whose duty it shall be to keep a true record of its doings.

County treas-
urer custodian
of moneys.

SEC. 6. The county treasurer shall have the custody of all moneys, securities and evidences of value belonging or pertaining to the sinking fund, and shall pay out the moneys of said fund only by order of the commissioners or a majority thereof, and upon a warrant of the county clerk, countersigned by a majority of said commissioners. For the safe keeping of said funds the county treasurer shall furnish such bonds as the board of supervisors shall require. Any county treasurer hereafter paying money out of said fund, except for the purposes mentioned in this act, on conviction thereof shall be subject to the payment of a fine of not to exceed double the amount of such payment, and to imprisonment not to exceed three years, or to both penalties in the discretion of the court. The bondsmen of such treasurer shall be liable for any fine imposed upon such treasurer and not paid, for the violation of this act.

Penalty for
illegally pay-
ing money.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 460.]

AN ACT to amend section ten of chapter ten of an act, entitled "An act to provide for a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section ten of chapter ten of an act, entitled "An act to provide for a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh,

eighteen hundred and eighty-three, be and the same is hereby amended so as to read as follows:

SEC. 10. On and after the first day of August in each year, and at any time until the taxes mentioned in this section are paid, it shall be the duty of the receiver of taxes, and the clerks or subordinates in his office designated by him for that purpose to collect all unpaid taxes which are assessed against any property or value other than real estate, and if necessary the said receiver and said clerks and subordinates, under the direction and in the name of the receiver, shall have power to levy upon and sell at public auction the personal property of any person refusing or neglecting to pay such tax. Six days' notice of any such sale shall be given by the receiver, by publication in the official and one other daily newspaper of said city, and by serving personally a copy of such notice on owner of such property; and any surplus remaining after the payment of the tax and percentage, and the expense of drayage and storage, shall be paid over to the owner of such property or other person entitled to receive the same; and the said receiver shall have power, in the name of the city of Detroit, to prosecute any person refusing or neglecting to pay such taxes by a suit in the circuit court for the county of Wayne, and he shall have, use, and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of any such tax; and the said tax roll shall be *prima facie* evidence of the indebtedness by such person and the regularity of the proceedings by which the tax was assessed [or] and levied. All taxes upon personal property shall be and remain a lien thereon until paid or so long as the property assessed is owned by or under the control of the person to whom it is assessed, and no transfer of the personal property by a husband to his wife, nor by a wife to her husband, nor by any person to a corporation in which he is a stockholder, nor by one corporation to another, nor any transfer of the title without an actual change of possession, nor any transfer of such property, either voluntary or by order of a court to a receiver shall operate to divest or destroy such lien.

Collection of
taxes on per-
sonal property.

Power to levy
and sell at
auction.

Notice of sale
to be published.

Tax to remain
a lien until
paid.

This act is ordered to take immediate effect.

Approved June 2, 1897.

[No. 461.]

AN ACT to amend section three of chapter one of an act, entitled, "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three, as amended by act number three hundred twenty-four of the public acts of eighteen hundred ninety-one, approved, May thirteenth, eighteen hundred ninety-one.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of chapter one of an act entitled, "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved, June seven, eighteen hundred eighty-three, as amended by act number three hundred twenty-four of the public acts of eighteen hundred ninety-one, approved May thirteenth, eighteen hundred ninety-one, be and the same is hereby amended so as to read as follows:

Territorial
limits and
boundaries.

SEC. 3. The territorial limits of the said city of Detroit shall include all that tract of country in the county of Wayne, bounded and described as follows: Beginning at the intersection of the national boundary line in the Detroit river, with the easterly line of private claim number two hundred fifty-seven extended, running thence northerly along the easterly line of said private claim number two hundred fifty-seven and along the easterly line of the back concession to said private claim number two hundred fifty-seven to the center of the Butler road, so-called; thence westerly along the rear lines of private claims to the center of St. Charles avenue; thence northwesterly along the center of St. Charles avenue to the center of Strong avenue; thence along the center of Strong avenue, westerly and northwesterly to the intersection of the center line of Mt. Elliot avenue extended; thence westerly along a line parallel with the northerly line of the Boulevard to the easterly line of St. Aubin avenue; thence northerly along said easterly line of St. Aubin avenue and St. Aubin avenue extended, to a point in fractional section thirty-nine, town one south, range twelve east, said point being two hundred and thirty-three feet northerly of the southerly line of said quarter section thirty-nine; thence westerly on a line parallel with the southerly line of said quarter section thirty-nine, and being two hundred and thirty-three feet northerly of the southerly line of said quarter section thirty-nine, to a point two hundred and thirty-three feet easterly of the center line of Oakland avenue, so-called; thence northerly on a line parallel with said center line of Oakland avenue, and Oakland avenue extended, and two hundred and thirty-three feet easterly thereof to a point indicated by and intersecting the easterly and westerly

center line of quarter section twenty-three of the ten thousand acre tract in Hamtramck township; thence westerly from said last mentioned point along the center line of quarter sections twenty-three and twenty-four of the ten thousand acre tract in Hamtramck township, across Woodward avenue, so-called, and along the center line of quarter sections twenty-five and twenty-six of the ten thousand acre tract in Greenfield township, to a point two-hundred and fifty feet westerly of the center line of Crawford street, so-called, extended, thence southerly on a line parallel with the center line of Crawford street extended, and two hundred and fifty feet westerly thereof, to a point in quarter section thirty-five of said ten thousand acre tract two hundred and thirty-three feet northerly of the center line of the Williams road, so-called; thence westerly on a line parallel with the center line of said Williams road and two hundred and thirty-three feet northerly thereof, to the westerly line of Twelfth street; thence southerly along the westerly line of Twelfth street to a point two hundred twenty-four and three-fourths feet northerly of the northerly line of the Boulevard; thence westerly on a line parallel with and two hundred twenty-four and three-fourths feet northerly of the northerly line of the Boulevard, to a point in section fifty-two of the ten thousand acre tract, said point being two hundred feet west of the west line of the Boulevard in section two, town two south, range eleven east extended north; thence south on a line two hundred feet west of, and parallel with the west line of said Boulevard to the northerly line of the private claims; thence westerly on the rear of the northerly line of the private claims to the westerly line of back concession, private claim thirty; thence westerly in a direct course to the easterly line of private claim two hundred and sixty-six; thence southerly along the easterly line of private claim two hundred and sixty-six to the southerly line of Toledo avenue; thence westerly along the southerly line of Toledo avenue to the westerly line of Livernois avenue; thence southerly along the westerly line of said Livernois avenue to the northerly line of the Dix road; thence westerly on said northerly line of said Dix road to the westerly line of Artillery avenue extended; thence southerly along said westerly line of Artillery avenue extended to the national boundary line in the Detroit river, and thence along the national boundary line in the Detroit river up stream to the place of beginning; and also all that parcel of land situated in the Detroit river and known as Belle Isle.

This act is ordered to take immediate effect.

Approved June 2, 1897.

[No. 462.]

AN ACT to legalize and give full effect to a conveyance of certain land made by the Board of Control of the Michigan Mining School to Florence E. Hubbell.

Conveyance of
land made by
Michigan min-
ing school to
Florence E.
Hubbell de-
clared legal.

Description of
land.

SECTION 1. *The People of the State of Michigan enact, That* a conveyance made by the Board of Control of the Michigan Mining School to Florence E. Hubbell of the village and county of Houghton and State of Michigan by deed dated the third day of June in the year eighteen hundred ninety-five, which deed is recorded in the office of the register of deeds of the county of Houghton, Michigan, in volume thirty-six of deeds on pages three hundred and forty-one, three hundred and forty-two and three hundred and forty-three, purporting to convey to the said grantee all the estate, right and title of the State of Michigan in and to the parcel of land in said deed described, being a portion of a certain piece or parcel of land conveyed to the State of Michigan to the use of the Board of Control of the Michigan Mining School and their successors in office by the Isle Royal Mining Company, a corporation, by its deed bearing date January fourth, eighteen hundred eighty-eight, which portion of said piece or parcel of land is described as follows, namely: Commencing at the southwest corner of the said parcel of land, said southwest corner being situated on the north boundary line of the highway known as the L'Anse Bay and State Line State Road, running thence northerly at right angles to the north boundary line of said State road in a direct line to a point on the north boundary line of said parcel of land above mentioned, thence westerly along the north boundary of said parcel to the west boundary thereof at a point on the east boundary line of land conveyed to Florence E. Hubbell by the said Isle Royal Mining Company, thence southerly along the west boundary line of said parcel of land above mentioned to the point of beginning, said piece of land so conveyed being a triangular parcel off the west side of said parcel, be and the same is hereby legalized and given full force and effect as a conveyance of all the title held by the State of Michigan in said parcel of land.

Approved June 2, 1897.

[No. 463.]

AN ACT to amend an act, entitled "An act to establish a bridge district in Bay county and to provide for the appointment and election of commissioners and for the construction, care and maintenance of bridges therein," approved January twenty-eight, eighteen hundred and eighty-nine being act number two hundred and seventy-eight of the local acts of eighteen hundred and eighty-nine.

SECTION 1. *The People of the State of Michigan enact, That* Act amended.
 an act entitled "An act to establish a bridge district in Bay county and to provide for the appointment and election of commissioners and for the construction, care and maintenance of bridges therein," approved January twenty-eighth, eighteen hundred and eighty-[nine] one, be and the same is hereby amended by adding a new section thereto to be numbered section eleven and to read as follows:

SEC. 11. Said commission shall also have power at any time after the expiration of six years after the passage of this act to cause surveys, estimates and measurements to be made for the construction of a new bridge between Bay City and West Bay City within the limits of said bridge district, from the foot of Twelfth street in Bay City to some suitable point on the west shore of the Saginaw river in West Bay City, opposite said Twelfth street and shall report such estimates to the common councils of Bay City and West Bay City. Said bridge commission shall have the power and it shall be its duty to receive from the common councils of said cities all moneys that shall hereafter be raised by them and transferred to it for the purpose of constructing said bridge. Whenever the moneys so raised for said purpose by said common councils of said cities shall have been transferred to said bridge commission, the said bridge commission shall under the [powers] power of said act as hereby amended, build and construct said bridge across the Saginaw river as herein provided; and said commission after said bridge has been built, shall keep in repair and maintain the same: *Provided, however,* Money received hereafter transferred to commission.
 That said bridge commission shall not have the power to allow any street railway or railroad company to use said Twelfth street bridge for street railway or railroad purposes. Street railway and railroad companies not to use.

This act is ordered to take immediate effect.

Approved June 2, 1897.

[No. 464.]

AN ACT to provide for the straightening, opening, deepening and widening of Mud creek in Hebron township, Cheboygan county, and authorizing the Board of Control of State Swamp Lands to make an appropriation of State swamp lands for said purpose.

Board of control authorized to appropriate swamp lands.

Time for selecting.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of straightening, opening, deepening and widening Mud creek in Hebron township, Cheboygan county, for the purpose of drainage and the benefit of the public health, the Board of Control of State Swamp Lands is hereby authorized and empowered to appropriate not to exceed five sections of State swamp lands, if upon examination said board of control shall deem such appropriation advisable or necessary. And said lands shall be selected within sixty days after this act takes effect, and no swamp land scrip shall issue therefor, and said lands shall be taken from the market for the purposes of this act and shall be used for no other purpose.

Approved June 2, 1897.

[No. 465.]

AN ACT to revise and amend the charter of the city of Saginaw as existing under an act entitled "An act to annex the territory embraced within the city of East Saginaw to that of the city of Saginaw, and to consolidate the city of East Saginaw with Saginaw, under the name of the city of Saginaw; to specify and fix the boundaries of the consolidated city; to provide for the assuming and payment of the indebtedness and liabilities of the present cities of East Saginaw and Saginaw, and for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said city of Saginaw as so consolidated, and to repeal all acts inconsistent herewith," and acts supplementary and amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith.

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|-------|--|
| TITLE | I. INCORPORATION. |
| | II. OFFICERS—WHO ELECTED; WHO APPOINTED; QUALIFICATION; OATH; REMOVAL; VACANCY; ELECTIONS; HOW CONDUCTED, ETC. |
| | III. COMMON COUNCIL—WHO SHALL CONSTITUTE: POWERS; DUTIES; PROCEEDINGS. |

TITLE	IV. OFFICERS—THEIR RIGHTS; POWERS AND DUTIES.
	V. TAXES; FUNDS; REVENUES; EXPENDITURES.
	VI. STREET AND PUBLIC IMPROVEMENTS.
	VII. FIRE DEPARTMENT.
	VIII. SUPPORT OF THE POOR.
	IX. PUBLIC HEALTH.
	X. SEWERS; CONSTRUCTION; MAINTENANCE, ASSESSMENTS.
	XI. POLICE DEPARTMENT.
	XII. BOARD OF PUBLIC WORKS.
	XIII. RECORDER'S COURT.
	XIV. POLICE COURT.
	XV. JUSTICE COURT.
	XVI. APPROPRIATION OF PRIVATE PROPERTY.
	XVII. MISCELLANEOUS.
	XVIII. BOARD OF ESTIMATES.
	XIX. LIGHTING.

TITLE I.

INCORPORATION.

SECTION 1. *The People of the State of Michigan enact, That* as much of section seven, in town twelve north, range five east, as lies south and east of the center line of Saginaw river, shall be and it is hereby annexed to the city of Saginaw, as now constituted for all municipal purposes, upon the terms and conditions following:

Territory to be annexed to city of Saginaw.

First, The territory hereby annexed, together with said city as now constituted, shall be known and designated as the city of Saginaw, and as such shall have all powers, rights and privileges hereinafter enumerated. The boundaries of said city shall be as follows, viz.: Commencing at the center of the Saginaw river on the east and west quarter line of section thirteen, in township twelve north, of range four east, in the county of Saginaw and State of Michigan; thence west along the quarter line of sections thirteen, fourteen and fifteen to the west line of said section fifteen, in said township, thence south on the west lines of sections fifteen, twenty-two, twenty-seven and thirty-four, in said township, and along the west line of section three in township eleven north, of range four east, in said county of Saginaw, to the center of the Tittabawassee river, thence easterly along the center of said river, to a point intersected by the east and west quarter line of section two, in said township eleven north, of range four east, thence east along said quarter line to the east line of said section, thence north along the east line of said section two to the northeast corner thereof, thence east along the north line of section one, in said township, to the southwest corner of section thirty-one in township twelve north, of range five

Territory to be known as city of Saginaw.

Boundaries.

east, in said county, thence north along the west line of said section thirty-one to the northwest corner thereof; thence east on the north line of said section thirty-one to the northeast corner thereof, thence north along the east line of sections thirty, nineteen, eighteen and seven, in said last named township, to the center of the Saginaw river, thence southerly along the center of the said Saginaw river to the place of beginning;

Title to all property, etc., to be vested in city of Saginaw as consolidated.

Second, All the property, real and personal, rights, credits, choses in action and other assets of every description now belonging to said city of Saginaw and to East Saginaw, or to any corporate board thereof, shall belong to and the title thereof is transferred to and vested in the said city of Saginaw, as so consolidated, except as hereinafter provided;

Suits not to be abated.

Third, All suits and proceedings now pending for or against said city of East Saginaw or Saginaw, shall not be abated, but may be prosecuted to a conclusion in the name of or against the city of Saginaw.

Shall have corporate powers.

SEC. 2. Said consolidated city of Saginaw may in its corporate name sue and be sued in any court of competent jurisdiction, have a common seal and alter it at pleasure, and may take, hold, purchase, lease, convey and dispose of any property, real or personal, for all the purposes of its incorporation.

Division into wards.

SEC. 3. The territory comprising said city shall be divided into fifteen wards. Wards first to ninth, inclusive, are located upon the east, and wards tenth to fifteenth, inclusive, are located upon the west side of the center line of Saginaw river. The particular boundaries of said wards upon the east side of the center line of said Saginaw river shall be as follows:

Boundaries of wards on east side of river.

First ward.

All that part of said city east of the center line of Saginaw river lying north of the center line of Carlisle street, extended to the center line of Saginaw river, shall constitute the *first ward*.

Second ward.

All that part of the city east of the center line of Saginaw river, lying between the center lines of Carlisle and Johnson streets, extended to the center line of Saginaw river, shall constitute the *second ward*.

Third ward.

All that portion of the city east of the center line of Saginaw river and west of the center line of Park street, lying between the center lines of Johnson and Janes streets, extended to the center line of Saginaw river, shall constitute the *third ward*.

Fourth ward.

All that portion of the city east of the center line of Park street, lying between the center lines of Johnson and Janes streets, shall constitute the *fourth ward*.

Fifth ward.

All that portion of the city east of the center line of the Saginaw river, lying between the center line of Janes street, extended to the center line of Saginaw river and the center line of Walnut street, and the center line of Hoyt street, extended from the center line of Walnut street to the center line of the Saginaw river, shall constitute the *fifth ward*.

The sixth ward shall consist of so much of said territory as lies east of the center line of the Saginaw river, west of the center line of Sheridan avenue, south of the fifth ward, and north of a line drawn by commencing at the center of the Flint & Pere Marquette belt line track, where the same crosses Sheridan avenue, and running thence west and southwesterly along the center of said belt line track to the intersection of the line between lots thirteen and seventeen of the James Riley reservation; thence west on said dividing line to the center of Mackinaw street; thence northwesterly along the center line of Mackinaw street to the center of Saginaw river. Sixth ward.

All that portion of the city lying east of Sheridan avenue and south of the fifth ward, shall constitute the *seventh ward*. Seventh ward.

The eighth ward shall consist of so much of said territory as lies south of the sixth ward and north of a line drawn by commencing at the quarter post on the east line of section thirty-six, and running thence west on the quarter line to the center of Williamson street, thence northwesterly along the center of Williamson street to its intersection with the center of Gallagher street; thence westerly on the center line of Gallagher street to the center of Washington avenue, thence northerly along the center of Washington avenue and Mackinaw street to the center of Center street, thence westerly along the center of Center street to the west line of Inglehart street, thence north thirty-three feet to the north line of Center street, thence by a right angle to Inglehart street, westerly to the center of Saginaw river. Eighth ward.

And all of said territory lying south of the eighth ward and east of the center line of Saginaw river, shall constitute the *ninth ward*. Ninth ward.

The particular boundaries of the wards upon the west side of the center line of said Saginaw river shall be as follows: Boundaries of wards west of river.

All that part of the city west of the center line of Saginaw river and east of the center of Barnard street, lying north of the east and west quarter lines of sections twenty-three and twenty-four, shall constitute the *tenth ward*. Tenth ward.

All that part of the city west and north of the center line of Saginaw river lying between the tenth ward and a line commencing on the north city line at the center of Bay street, thence south along the center line of Bay street to the quarter line of section twenty-three, thence east along said quarter line to the center line of Madison street; thence along the center line of Madison street, extended to the center line of Saginaw river, shall constitute the *eleventh ward*. Eleventh ward.

All that part of said city west and north of the center line of Saginaw river, lying between said eleventh ward and a line commencing at the center of section fifteen, thence south along the quarter line to the center of Court street, then easterly along the center of Court street, extended Twelfth ward.

to the center of Saginaw river, shall constitute the *twelfth ward*.

Thirteenth ward.

All that part of the city west and north of the center line of the Saginaw river lying between the said twelfth ward and the center of Mackinaw street, shall constitute the *thirteenth ward*.

Fourteenth ward.

All that part of the city west and north of the center line of the Saginaw river lying between the said thirteenth ward and a line commencing on the west city line in the center of [Gratiot] Gratiot street, thence east on the center of Gratiot street to the center of Bullock street; thence south on the center line of Bullock street to the center of Waller street, thence southeasterly in the center of Waller street, extended to the center of Saginaw river, shall constitute the *fourteenth ward*.

Fifteenth ward.

All that part of the city west of the center line of the Saginaw river and lying south of the fourteenth ward, shall constitute the *fifteenth ward*.

TITLE II.

OFFICERS—WHO ELECTED; WHO APPOINTED; QUALIFICATION; OATH; REMOVAL; VACANCY; ELECTIONS; HOW CONDUCTED, ETC.

Officers elected.

SECTION 1. The following officers of the city of Saginaw shall be elected at the annual city election by the qualified electors of the whole city, voting in their respective wards and election districts on a general ticket, viz.: One mayor, one recorder, one treasurer, one police judge and one justice of the peace. The following officers of the corporation shall be elected at said election on a ward ticket in each ward and election district by the qualified voters thereof, viz.: Two aldermen, two school inspectors one supervisor and one constable: *Provided*, No school inspector shall be elected within the western taxing district on such ward ticket.

Proviso.

Qualification of officers.

SEC. 2. No person shall be eligible to either of said elective offices unless he shall then be a citizen and resident of said city, nor shall he be eligible to any such office for any ward or district, unless he shall then be a citizen and resident of such ward or district; and when any officer elected or appointed for said city shall cease to reside in said city, or if elected or appointed for any ward or district, he shall cease to reside in such ward or district, his office shall thereby become vacant.

Election, when held.

SEC. 3. An election shall be held in each ward and election district annually, on the first Monday in April in each year, at such places as the common council shall appoint, by a notice published at least six days previous to the election, in a newspaper printed in said city, or by posting printed notices

Notice.

of the holding of said election in at least three of the most public places in each ward and election district at least six days previous to said election.

SEC. 4. The following shall be the term of office of the several officers, who shall in all cases hold office until their successor is elected and qualified, viz.: Mayor, two years; treasurer, two years; recorder, four years; police judge, three years; justice of the peace, four years; aldermen, school inspectors and supervisors, two years; constables, one year. Whenever there shall be a vacancy in the office of supervisor, or when the incumbent shall by sickness or from any other cause, be unable to perform the duties of such office, the common council of said city may make temporary appointment of a suitable person to fill such vacancy, and such person so appointed shall take the oath of office, as required by law, and shall continue to discharge such duties until the said office shall be filled by election, or until the disability aforesaid be removed.

Term of office
of certain
officers.

Council to ap-
point super-
visor to fill
vacancy.

SEC. 5. The common council shall, at the first regular meeting in the month of January, A. D. eighteen hundred and ninety-three, or as soon as may be thereafter, appoint by a ballot a city assessor, and at the third regular meeting after the annual elections, under the charter or as soon as may be thereafter, appoint by ballot one city attorney, one city physician, one comptroller, one city clerk, one director of the poor, and appoint all members of the board of public works, board of police commissioners, board of assessment and review, and board of estimates, as provided in this act. And as vacancies occur, fill the same by like appointment, who shall hold office as follows: City clerk, three years; city comptroller, three years; city assessor, three years; city attorney, three years, and director of the poor, two years; city physician, one year; the members of said several boards for the period stated in the other titles of this charter. All of the officers appointed under this section, and the city treasurer shall enter upon the duties of their offices on the first Monday of May, except the city assessor, who shall enter upon the duties of his office as soon as he is appointed and qualified: *Provided*, Nothing herein contained shall be construed as shortening the term of any officer now holding office, except as otherwise herein provided. The assessor and controller may each appoint a deputy, for whose acts they shall respectively be responsible, and who shall have the power to perform the duties of said officers respectively in case of the death, absence or disability of either of said officers. The common council may also appoint one keeper of the work house, alms house or hospital; an inspector of gas or gas meters, clerk of city markets or for city offices, inspectors of fire wood, hay or provisions, pound masters, sealers of weights and measures, weigh masters, harbor masters, fire wardens, scavengers, and such other officers

Officers to be
appointed by
council.

Terms of office.

Proviso.

Certain officers
may appoint
deputy.

Council may
appoint other
officers.

Their terms of office.	or boards of officers as are herein provided for or the common council may deem necessary, or which may be created by law or by the ordinances of said city, made pursuant to the provisions of this charter; and such appointment shall be made in such manner as the common council shall authorize and direct, and all such appointees shall hold their offices during the pleasure of the common council.
Council to fill vacancies.	SEC. 6. When any vacancy occurs in any of the offices which are appointed by the common council, either by death, resignation or removal of the incumbent, the common council may fill such vacancies by appointment upon the nomination by the mayor for the remainder of the unexpired term for which such officer was appointed.
Council may remove certain officers.	SEC. 7. All officers appointed by the common council, by virtue of the powers conferred by this act, may each be removed from office by the common council for incompetence, for official misconduct, or for the unfaithful and inefficient performances of the duties of his office, or for disobedience of the ordinances or resolutions of the common council lawfully made: <i>Provided</i> , That no officer who is required to be elected by ballot, or who is required by this act, or by the common council, to give bonds, shall be removed without reasonable notice of the charges against him, and an opportunity to be heard in his defense, in person and by counsel, nor without two-thirds of all the members elected to the common council, shall, after such notice and hearing, vote for such removal.
Proviso.	
Registration of electors in the different wards.	SEC. 8. On the third Saturday preceding the general election held in November, and the third Saturday preceding the annual city election and the general spring election held in April in said city, a registration shall be made in each ward and election district, in the manner hereinafter provided in sections twelve, thirteen, fourteen and fifteen of title seventeen of this act, of all the qualified electors resident therein not already registered. On the day of election, held by virtue of this act, the polls shall be opened in each ward and election district thereof, at the several places designated by the common council, at seven o'clock in the morning, and shall be kept open, without intermission or adjournment, until five o'clock in the afternoon, at which hour they shall be finally closed.
Polls to be open when.	SEC. 9. The inhabitants of the said city being electors under the constitution of this State and no others, are declared to be electors under this act, and qualified to vote at the elections held by virtue of this act; and each person offering to vote at any such election, if challenged by an elector of said city before his vote shall be received, shall take one of the oaths now, or at any time hereafter, provided by the general laws of this State, unless such person shall claim to be an elector under the proviso named in section twenty-six of this title, and in that case the (oath) vote shall be varied according
Who declared to be electors.	

to that proviso, which oath shall be administered to him by one of the inspectors of election.

SEC. 10. There shall be a board of inspectors of election in each ward or in case of the division of any ward into election districts, then in each of said districts. Said board shall be composed of four members, to consist of the supervisor and aldermen of each ward, when eligible, and not prevented for any reason from serving, and citizens of said ward to be selected in the manner herein provided; at least one week prior to any municipal, general or special election, the common council shall designate such a number of citizens of each ward, as shall, together with the supervisor and aldermen thereof, who are eligible and intend to serve, constitute four inspectors for each district or each ward not divided into districts. At the hour for opening the [polls] poles at any such election, the electors of the district or ward present at any [polling] polling precinct, shall in the absence of any of the said inspectors herein provided for, choose *viva voce*, such number of electors of said ward or district to serve as inspectors as shall with the said inspectors, appointed by the common council, supervisors and aldermen present, constitute such board of four inspectors, who shall be the inspectors of election for that district or ward during that election. The supervisor of the ward, if present, shall act as chairman of said board, but if not present the board shall select one of their own number as chairman. Said board shall also choose one of their own number to act as clerk and shall appoint one other elector as second clerk of said board. Each of said persons so appointed as inspectors of election and clerk, shall take the constitutional oath of office; each of said board shall be authorized to administer such oath or any oath required to be taken by any person at said election. In case of the inability of any of said inspectors to serve during the time of said election, the vacancy on said board may be filled by *viva voce* vote of the electors present. Said inspectors and clerks of election shall receive such compensation for their services as shall be fixed by the common council prior to said election.

Inspectors of election.

Manner of choosing.

Supervisor to act as chairman.

Clerk.

Inspectors to take constitutional oath.

Filling vacancy.

Compensation.

SEC. 11. At all elections held under this act the electors shall vote by ballot, to be prepared, printed and furnished in the manner, now or hereafter provided by the general laws of this State. Such elections shall be conducted as near as may be, in the manner now, or hereafter provided for holding general elections in the State, except as herein otherwise provided; and the inspectors of such election shall have the same power and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are or may hereafter be conferred by law upon inspectors of election in this State. The common council shall provide the

Vote by ballot.

Conduct of elections.

Ballot boxes.

necessary ballot boxes for each ward and election district, with locks, seals and keys, in which ballot boxes votes cast shall be deposited.

Election commissioners.

SEC. 12. The council shall at least ten days previous to any municipal election, appoint a board of three election commissioners, not more than two of whom shall belong to the same political party, who shall be the board of election commissioners for such city for such election, and they shall perform such duties relative to the preparation and printing of ballots for city or ward elections, as are required by law or of the boards of election commissioners of counties. Said commissioners shall deliver the ballot boxes, keys and tickets at least one and not more than two days prior to an election to the inspectors of election of each ward or voting precinct in said city. Said inspectors shall be responsible for the safe keeping of the same.

Shall prepare ballots.

Commissioners to deliver ballot boxes, etc., to inspectors.

Term of office to be on ballot.

SEC. 13. If at any annual election to be held in the said city there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for (the) full term of said office, the term for which each person is voted for, for (the) said office, shall be designated on the ballot.

Canvass of votes.

SEC. 14. Immediately after the closing of the polls the inspectors of election shall forthwith, without adjournment, publicly canvass the votes received by them, and declare the result; and shall on the same day, make a certificate, stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election, or as soon as completed, with the clerk of the city.

Deposit of ballots.

SEC. 15. It shall be the duty of the inspectors of election, on receiving the votes, to cause the same, without being opened or inspected, to be deposited in the proper box provided by the common council for that purpose; the said board shall also write down, or cause to be written down, the name of each elector voting at such election, in a poll list to be kept by said inspectors of election, or under their direction. The manner of canvassing and counting thereof shall be the same as is now or may hereafter be provided by the general laws of the State, for the [canvass] canvas and count of votes by inspectors of election.

Poll list.

Manner of canvassing and counting.

In case of a tie vote.

SEC. 16. The person receiving the greatest number of votes for any office in said city or ward, shall be deemed to have been duly elected to such office; and if any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes for the same office, the common council shall take, at the meeting thereof provided for in section seventeen, as many strips of paper of equal size and appearance as there are persons having an equal number of votes, and write a ballot for each of such persons, one on each of said slips of paper, and shall put such ballots together

in a hat or box, and one of the members of the common council shall then draw from said hat or box one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared elected.

SEC. 17. The common council of the preceding year shall convene on the Wednesday next succeeding such election, at two o'clock in the afternoon, at their usual place of meeting, and the statements of votes filed with the clerk of the city by the inspectors of election shall be produced by said clerk, when when the common council shall forthwith determine and certify, in the manner provided by law, what persons are duly elected at the said election to the several offices respectively. Such certificate shall be made in duplicate, one of which shall be filed with the clerk of the city, and the other with the clerk of the county of Saginaw. All officers elected, as hereinbefore provided, shall enter upon the duties of their respective offices on the tenth day next following such election, unless otherwise herein provided.

Council to meet and canvass votes.

SEC. 18. It shall be the duty of the clerk of said city as soon as practicable, and within two days after the meeting of the common council, as provided in the preceding section, to notify the officers, respectively, of their election; and the said officers, so elected and notified as aforesaid, shall, within ten days after such election, take the oath of office, prescribed by the constitution of this State, before some officer authorized by law to administer oaths, and file the same with the clerk of the city, and the justice of the peace and police judge shall also file their oath of office with the county clerk.

Clerk to notify officers of their election.

Oath to be taken

SEC. 19. Whenever a vacancy occurs in the office of mayor or alderman, by his refusal or neglect to take the oath of office, within the time required by this act, by his resignation, death, ceasing to be an inhabitant of the city or ward for which he shall have been elected, removal from office, or by the decision of a competent tribunal declaring void his election, or for any other cause, the common council of said city shall immediately appoint a special election to be held in the city or the ward for which such officer was chosen, at some suitable place therein, not less than five days nor more than fifteen days from the time of such appointment: *Provided*, That in case any such vacancy shall occur in the said office of alderman within three months before the first Monday of April (in) of any year, it shall be optional with the common council to order a special election or not, as they shall deem expedient.

Special election to be called, when.

Proviso.

SEC. 20. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, except mayor, alderman, and justice of the peace, and police judge, the common council may, upon the nomination by the mayor, fill such vacancy by the appointment of a suitable person, who is a citizen, and if appointed for a ward, who is also a resident of

Vacancies in other offices.

the ward for which he shall be appointed, and any officer appointed to fill a vacancy, if the office is elective, shall hold by virtue of such appointment, only until the tenth day after the election next succeeding. If an elective office which shall have become vacant, was of that class whose terms of office continue after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

City clerk to give notice of election.

SEC. 21. Whenever a special election is to be held, under the provisions of law, or by order of the common council, the city clerk shall cause to be delivered, to the inspectors of election, in the ward or wards where such officer is to be voted for, a notice signed by him, specifying the officer to be elected, and the day and place at which such election is to be held and the proceedings at such election shall be the same as at the annual charter election; such notice shall also be published in a newspaper of the city, at least once, or posted in three public places in the city or ward, as the case may be, before the day of such special election.

Person appointed to notify the clerk of his acceptance.

SEC. 22. Every person appointed by the common council, before he enters upon the duties of his office, and within five days after being notified of his appointment, shall cause to be filed in the office of the city clerk, a notice in writing, signifying his acceptance of such office.

In case of neglect or refusal to take oath.

SEC. 23. If any person elected or appointed under this title, shall not take and subscribe the oath of office, and file the same as therein directed, or shall not cause a notice of acceptance to be filed, as therein directed, or if required by the common council to execute an official bond or undertaking, shall neglect to execute and file the same in the manner and within the time prescribed by the common council, such neglect shall be deemed a refusal to serve, unless before any step is taken to fill any such office by another incumbent, such oath shall be taken, or such acceptance be signified as aforesaid.

Clerk to deliver to council list of officers who have taken oath.

SEC. 24. At the expiration of twenty days after any election or appointment of any officer or officers in the said city, the clerk of the said city shall deliver to the common council a list of the persons elected or appointed, and of the offices to which they are chosen, specifying such as have filed with him the oath of office, or notice of acceptance required by this act, and the official bond, if one is required, and such as shall have omitted to file the same within the time herein prescribed.

Resignations.

SEC. 25. Resignations by any officer authorized to be elected or appointed by this act, shall be made to the common council, subject to their approval and acceptance.

Where electors to vote.

SEC. 26. At all city elections, every elector shall vote in the ward and district where he shall have resided twenty days next preceding the day of election, otherwise he may vote in the ward and district from which he removed: *Provided*, He shall have resided in said ward twenty days prior to such

Proviso.

removal. The residence of an elector, under this act, shall be the ward where he boards or takes his regular meals. Residence defined.

SEC. 27. At any election held under this act, if, from any cause, either or all of the inspectors of election shall fail to attend any such election at the appointed time and place, his or their place may be supplied for the time being, by the electors present, who shall elect any of their number, *viva voce*, who, when so elected, shall be duly sworn, by an officer authorized to administer oaths, to a faithful performance of their duties. In case inspectors fail to attend election.

SEC. 28. The expenses of any election to be held as provided by this act, shall be city charges, and defrayed in the same manner as the other contingent expenses of the city. Expense of election to be city charges.

SEC. 29. Any person elected to any office under this act, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected, or appointed and qualified; and when a person is elected to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified. Incumbent to hold until his successor is elected and qualified.

TITLE III.

COMMON COUNCIL—WHO SHALL CONSTITUTE; POWERS; DUTIES; PROCEEDINGS.

SECTION 1. The mayor and aldermen of said city shall constitute the common council. They shall meet at such times and places as they shall from time to time appoint, and on special occasions, whenever the mayor or person officiating as mayor, (in case of vacancy in the office of the mayor, or of his absence from the city, or inability to officiate) shall, by written notice, appoint, and which shall be served on the members in such a manner and for such a time as the common council may by ordinance direct. Council, time and place of meeting.

SEC. 2. The mayor shall preside at the meetings of the common council, and it shall be the duty of the common council on the third Monday in April in each year to elect one of their number president, who shall preside at the meetings of the common council in the absence of the mayor. The person elected president, shall be acting mayor in case of the absence from the city, or on account of the inability of the mayor to act: *Provided*, That in the absence of the mayor and president, the common council shall appoint one of their number, who shall preside. Mayor to preside. President to be elected.

SEC. 3. No ordinance or resolution passed by the common council, authorizing any public improvement, or for or concerning the same; or for the payment of any money by the Mayor to have veto power.

Two-thirds necessary to pass over veto.	<p>treasurer, or the creation of an indebtedness or liability against the city, shall have any force or effect if the mayor, or other officer legally exercising the office of mayor, shall, within twenty-four hours after the passage of such ordinance or resolution, lodge in the office of the city clerk his reasons in writing why the same should not go into effect, unless it shall, at a subsequent meeting of the common council, be passed by a two-thirds majority of all the members of the common council elect, exclusive of the mayor, or other officer, legally discharging the duties of mayor, and if so repassed, it shall go into effect according to the terms thereof. No ordinance or resolution of the common council, for any of the purposes mentioned in this section, shall go into operation until the expiration of twenty-four hours after its passage.</p>
Duty of clerk.	<p>It shall be the duty of the city clerk to communicate to the common council, at the next meeting thereof, any paper that may be lodged with (him) pursuant to the provisions of this section.</p>
Member to have one vote.	<p>SEC. 4. In all proceedings and meetings of the common council, each member present shall have one vote.</p>
Council to prescribe rules and regulations.	<p>SEC. 5. The common council shall prescribe the rules for the transaction of its business, and for its proceedings, which rules shall have the effect of law, as to the regularity and the recording of said proceedings, and may prescribe in said rules, penalties for the non-performance of the duties of alderman, city clerk, or other officers of said common council. The sessions of the common council shall be public, except when the public interest shall, in their opinion, require secrecy. The minutes of the proceedings shall be kept by the city clerk, and the same shall be open at all times to public inspection.</p>
Sessions to be public.	
Quorum. Adjournments.	<p>SEC. 6. A majority of the aldermen elect shall be a quorum of the common council for the transaction of business. In case a quorum shall not attend any regular meeting, any number present, less than a quorum, may adjourn said meeting, to the next regular meeting, or to any time prior to the next regular meeting, and require the clerk to give notice thereof, as of special meetings, and such adjournment shall operate to carry with it all business and proceedings postponed to, or set down or noticed for such regular meetings, or for any special or adjourned meeting; and no business or proceedings postponed, or set down, or noticed (for) any special, regular or adjourned meeting, shall lapse or fail, or become invalid, or lose its precedence on the order of business by reason of a failure to hold such meeting, but the same shall go over to be acted upon at the next regular or adjourned or special meeting. No public improvement shall be ordered, nor any tax or assessment shall be levied or confirmed, nor any work, services or labor authorized to be done, or material purchased, nor any contract awarded or let, nor any money appropriated to be paid for, or out of, or by means of any special assessment or tax, or from the city treasury,</p>
Majority of council necessary to do business.	

except by a majority vote of all the members elect of the common council: *Provided*, No member of the common council shall be excluded from voting upon any question of improvements, levying assessments or taxes, for any reason of personal or private interest in said improvement, assessment, taxes, or any property to be affected by it; nor shall such vote prejudice, void, or invalidate any action by the common council by reason or on account of any such interest. On all questions ordering any public improvement, levying or confirming any tax, approving any contract or bond, appropriating or expending any moneys, and on the final passage of any ordinance, the names of the members voting for or against the same, by yeas and nays, shall be entered upon the record of the proceedings.

Proviso.

When yeas and nays to be entered on journal.

SEC. 7. No member of the common council shall, during his continuance in office, be directly or indirectly interested as principal, surety or otherwise in any contract with the city, or with any public board thereof, over which the common council have any control; nor shall he be competent, during the term for which he shall have been elected, to hold any office, the appointment to which is made by the common council, and the salary, compensation or fees for which are payable out of the city treasury.

No member of council to be interested in contracts.

SEC. 8. The common council in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests, and all property, real and personal, belonging to the city, and make such orders and by-laws relating to the same as they shall deem proper and necessary; and they shall have (the) power within said city to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they may deem desirable within said city, for the following purposes:

Council to have control of finances

To make laws, etc., relative to.

First, To prevent vice and immorality, to preserve peace and good order, to regulate the police of the city, to prevent and quell riots, disturbances and disorderly assemblages;

Vice.

Second, To restrain and prevent disorderly and gaming houses, and houses of ill-fame, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables and bowling alleys;

Disorderly houses.

Third, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of the State, and to forbid the selling or giving to be drunk any intoxicating liquors to any child or young person without the consent of his or her parents or guardian and to prohibit, restrain and regulate the sale of all goods, wares and personal property at auction, except in cases of sale authorized by law, and to fix the fees to be paid by and to the auctioneers;

Liquors.

Auctions.

Fourth, To prohibit, restrain, license and regulate all sports, exhibitions of all natural or artificial curiosities, caravans

Exhibitions.

- of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money;
- Nuisances.** *Fifth,* To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog pen, sewer or other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of the city. To compel the owner, lessee or agent to remove buildings that are liable to fall by reason of being burnt, decayed or not properly erected;
- Dangerous buildings to be removed**
- Location of slaughter houses.** *Sixth,* To direct the location of all slaughter houses, markets and buildings for storing gunpowder or other combustible materials, and to regulate the manner of keeping the same;
- Firearms, combustibles.** *Seventh,* To regulate, restrain or prohibit the buying, selling, carrying and using of firearms, weapons, gunpowder, fire crackers or fireworks, manufactured or prepared therefrom, or from other combustible material, and the exhibition of fireworks, and the discharge of firearms, and the lights in barns, stables and other buildings, and to restrain and prohibit the making of bonfires in streets, yards, alleys and other public places;
- Encumbering streets.** *Eighth,* To prevent the encumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges, aqueducts, wharves or slips in any manner whatever;
- Horse racing.** *Ninth,* To prevent and punish horse racing and immoderate riding or driving in any street, and to authorize the stopping and detaining of any person who shall be guilty of immoderate riding or driving in any street; and to prevent any person from leaving a horse or horses or other animal standing upon the streets of said city without being securely tied, held or fastened so as to prevent their escape;
- Horses to be securely tied.**
- Railroad grades.** *Tenth,* To determine and designate the routes and grades of any railroad to be laid in said city, and to regulate the use of locomotives, engines and cars upon the railroads within the city; to compel such railroads to erect and maintain safety gates at street crossings;
- Bathing.** *Eleventh,* To regulate, restrain or prohibit bathing in any public water, and to provide for (cleansing) cleaning Saginaw river of driftwood and other obstructions;
- Drunkards, vagrants.** *Twelfth,* To restrain and punish drunkards, vagrants, mendicants, street beggars and persons soliciting alms or subscriptions for any purpose whatever;
- Pounds.** *Thirteenth,* To establish one or more pounds, and to restrain, regulate or prohibit the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of their keeping and impounding;
- Dogs and dog-fights.** *Fourteenth,* To regulate or prevent the running at large of dogs; to impose taxes upon the owners of dogs and to punish

dog fights and those engaged in aiding and abetting the same, in the streets and elsewhere in said city. To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses; to require them to be muzzled and to authorize the killing of dogs not licensed or running at large in violation of the ordinances of the city; and to authorize the killing of dogs impounded, which shall not be redeemed within the time prescribed by the ordinance regulating the same;

Fifteenth, To prohibit any person from bringing and depositing within the limits of said city any dead carcass or other unwholesome or offensive substance, and to require the removal or destruction thereof, if any person shall have on his premises such substance or any putrid meats, fish, hides or skins of any kind, and on his default to authorize the removal or destruction thereof by some officer of the city;

Sixteenth, To compel all persons to keep sidewalks in front of premises owned or occupied by them clean from snow, dirt, wood and all other obstructions;

Seventeenth, To regulate or prohibit the ringing [of] bells, blowing of steam whistles, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets and elsewhere in said city;

Eighteenth, To regulate the burial of the dead and to compel the keeping and return of bills of mortality;

Nineteenth, To establish, order, and regulate markets, to prohibit the forstalling the same, to regulate the vending of wood, meats, vegetables, fruit, fish, and provisions of all kinds, and prescribe the time and place for selling the same, and the fees to be paid by butchers for license: *Provided*, That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city;

Twentieth, To establish, regulate and preserve public reservoirs, fountains, wells and pumps, and to prevent the waste of water;

Twenty-first, To adopt rules for the regulation of sextons and undertakers in burying the dead, to license and regulate solicitors for passengers or for baggage for the benefit of any hotel, tavern, public house, boat or railroad; also to license and regulate draymen, carmen, truckmen, porters, runners, drivers of cabs, coupes, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used or employed for hire, and to fix and regulate the amounts and rates of their compensation;

Twenty-second, To regulate or prohibit runners, public porters, and all drivers of public conveyances for persons, from soliciting passengers or others to travel or ride in any public conveyance, boat, or upon any railroad, or to go to any hotel or elsewhere, and to license and regulate scavengers and chimney sweeps;

**Lighting
streets.**

Twenty-third, Concerning the lighting of streets, alleys, and public places, and the protection and safety of public lamps and lights;

**Auctioneers,
peddlers.**

Twenty-fourth, To license and regulate auctioneers, hawkers, [peddlers,] peddling and pawnbrokers; and to regulate auctions, hawking, peddling, and pawnbrokerage, also the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise, goods, and other property whatsoever by hand, hand-cart, show-case, show-stands, or otherwise, in the public streets, also to license and regulate or suppress hucksters and bill posters;

**Duties and
compensation
of officers.**

Twenty-fifth, To prescribe the duties of all officers appointed by the common council, and their compensation and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;

**Salubrity of
streams.**

Twenty-sixth, To preserve the salubrity of the waters of Saginaw river, or other streams within the limits of said city, to fill up all low grounds or lots covered or partially covered with water, or to drain the same, as they may deem expedient, and to assess upon and collect from the lots or grounds so drained, or filled, the entire expense thereof;

**Stands for
carriages.**

Twenty-seventh, To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay and produce exposed for sale in said city;

Dock lines.

Twenty-eighth, To prescribe the line upon which docks shall be built in Saginaw river, and beyond which they shall not extend, and to enforce the same by a fine not exceeding five hundred dollars, and to regulate such docks and to compel the owners or occupants thereof to keep the same in repair;

**Harbor
masters.**

Twenty-ninth, To appoint so many harbor masters as they deem necessary, and to prescribe their powers, duties and compensations;

**Weights and
measures.**

Thirtieth, To prescribe the duties of sealers of weights and measures, and the penalty for using false weights and measures, and all laws of this State in relation to the sealers of weights and measures shall apply to said city; except as herein otherwise provided;

**Revocation of
license.**

Thirty-first, To authorize the clerk to grant and issue licenses, and the mayor may revoke licenses as provided in section one, Title IV. of this act, in all cases when licenses may be granted under this act and the ordinances of the common council;

Licenses.

Thirty-second, To prescribe the sum of money to be paid into the treasury of the city for every license which may be granted under this act and the ordinances of said city, also the time for which the licenses shall be granted, to require all

licenses to be countersigned by the mayor, to require (of) any or all person applying for a license, before the issuing thereof, the execution of a bond to the city in such sums as the common council may direct with one of more sufficient sureties, conditioned for the faithful observance of the charter and ordinances of the city, and otherwise conditioned as the common council may prescribe;

Thirty-third, To establish and maintain a public library, and to provide a suitable building therefor, and to aid in maintaining such other public libraries as may be established within said city by private munificence, as the common council may deem to be for the public good; Public library.

Thirty-fourth, To require all persons before constructing, altering or enlarging any building or other structure within the limits of said city, to obtain a permit therefor; and to regulate by ordinance the terms and conditions on which such building permits shall be granted and issued; Building permits.

Thirty-fifth, To prohibit, prevent and suppress all lotteries for the drawing or disposing of money, or any other property whatsoever, and to punish all persons maintaining, directing or managing the same; Lotteries.

Thirty-sixth, To regulate the putting up, taking down, repairing and maintaining of telegraph, telephone and electric light, power and electric street railway poles and wires; Telegraph poles.

Thirty-seventh, To license and regulate the keepers of hotels, taverns, restaurants and other public houses, grocers and keepers of ordinaries, saloons and victualing, and other houses or places for furnishing meals or food; to restrain, license and regulate saloons, and to regulate and prescribe the location thereof; Hotels.

Thirty-eighth, To compel pawnbrokers, junk shop keepers and second hand dealers to keep a list of all goods purchased or received by them in the way of a pledge or security, and to compel them to deliver a written list each day to the chief of police, upon blanks furnished them by the city. Pawnbrokers.

SEC. 9. The common council may ascertain, establish and settle the boundaries of all streets and alleys in said city, prevent and remove all encroachments thereon, and exercise all other powers conferred upon them by this act, in relation to highways, the prevention of fires and the levying of taxes; they shall have power to advertise for proposals and contract for the lighting by gas, electric or other lights, of the streets, public buildings, parks and spaces, for the term of not less than one nor more than five years, under any one contract; or they may provide for the construction of works for lighting to be owned and operated by the city itself. They may also require transient traders and dealers to take out licenses. And in addition to all other powers hereinbefore granted, may make and enforce all such other and further ordinances, not inconsistent with the constitution or general laws of the State, Council to establish boundaries of streets.

May contract for lighting.

May pass all necessary ordinances.

**May prescribe
fines and pen-
alties.**

as they shall deem the public safety and welfare of said city to require.

SEC. 10. When by the provision of this act, the common council have authority to pass ordinances on any subject, they may prescribe a fine or penalty, not exceeding one hundred dollars (unless the imposition of a greater fine or penalty be herein otherwise provided) for a violation thereof, and may provide that the offenders, on failing to pay the fine or penalty imposed, shall be imprisoned in the county jail of Saginaw county, or the city prison, for any term not exceeding ninety days.

**Publication of
ordinances.**

SEC. 11. Whenever the common council are required by law to make publication of any notices, ordinances or resolutions or proceedings, in one or more newspapers of said city, it shall be deemed sufficient to publish the same in any daily or weekly newspaper published in said city.

**Council may
hold suitable
grounds for
cemetery
purposes.**

SEC. 12. The common council shall have power to purchase and to hold a suitable lot or lots of land, within or without the corporation limits, for the purpose of city cemetery or cemeteries; and they shall make such rules and regulations regarding the same as they may deem necessary; and may cause the same to be surveyed into suitable lots, and may dispose of the same to purchasers, and thereupon cause to be executed to such purchaser a good and sufficient deed, in the corporate name of the said city, which deed shall be signed by the clerk, and countersigned by the controller.

Potter's field.

SEC. 13. The common council shall have power to purchase a potter's field, within or without the city limits, for the burial of the city poor, and make such rules and regulations concerning the same as they may deem necessary. The com-

**Street to ceme-
tery.**

mon council may construct, grade, gravel, pave, plank or repair any street, road or highway without the corporate limits of the city, leading to the cemetery owned by it and known as Oakwood cemetery, and may join with the township of Saginaw in constructing, grading, graveling, paving, planking or repairing from time to time any such street, road or highway leading to said cemetery, on such terms and conditions as may be agreed upon with the township board of

How paid for.

said township. All sums expended by the common council upon such road or highway to be paid out of the general high-

Almshouse.

way fund of the western taxing district. The common council shall also have power whenever, in their opinion, the necessities of the city require, to cause to be constructed by the board of public works of said city, a city almshouse, and a city market or markets, or other necessary public buildings; to acquire by purchase or otherwise, all necessary lands whereon to locate the same and to appoint the keepers, clerks, and necessary officers thereof, and may make such regulations concerning the same as the common council may think proper; but no such public building shall be constructed or built, until said common council shall be authorized to levy

a tax therefor, as provided in section two of title five of this act.

SEC. 14. The common council shall have and exercise in and over said city the same powers in relation to the regulation of taverns, groceries, common victualers, and saloon keepers and others as are now, or may hereafter be conferred by the general laws of this State upon township boards or upon the corporate authorities of cities and villages. The common council shall have power to regulate and license all taverns and houses of public entertainment, all [restaurants] restaurant and eating houses, in such sum or sums as the common council may direct or require. The common council may prohibit boxing or sparring for a purse, stake, trophy or reward, or when an admission is charged or paid to see such boxing or sparring.

Council to regulate taverns.

License taverns.

Prohibit boxing or sparring.

SEC. 15. During the month of July in each year, the controller, in addition to the duties herein prescribed, shall audit and settle the accounts of all officers and other persons having claims against the city, or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditures made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each, the amount of taxes raised for the general contingent expenses, the amount raised for lighting and watching the city, the amount of highway taxes and assessments, the amount of assessments for opening, paving, planking, repairing and altering streets and building and repairing bridges, the amount borrowed on the credit of the city, and the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial concerns of said city, and present the same to the common council of said city; the said statement shall be filed with the papers of the city, but it shall not be necessary to publish the same in full in the proceedings of the common council.

Auditing and settling accounts.

Annual financial statement.

To be filed.

SEC. 16. The common council of the city of Saginaw, shall have the sole and exclusive power, from time to time, to license, continue and regulate as many ferries across the Saginaw river, for the carriage and transportation of people, goods and chattels across the said river, and in such manner as shall appear to them most conducive to the public good.

Council to license ferries.

SEC. 17. The aldermen shall be allowed as compensation for their services, two dollars for actual attendance at each session of the council, and the mayor shall have an annual salary of one thousand dollars, to be certified by the clerk to the controller quarterly, and paid out of the general fund.

Compensation of officers.

SEC. 18. Any alderman who shall be absent from the sessions of the common council, without leave, for six consecutive weeks, shall be deemed to have resigned, and the office shall

When office of alderman deemed vacant.

be deemed vacant, and the common council may order a new election, to fill such vacancy, as in this act provided in case of vacancies.

Deposit of moneys.

Depository to give bond.

Securities on, to justify.

Justification shall equal penal sum.

Oath administered by whom.

Penalty for false swearing.

What misdemeanor.

Council to have power to remove officers.

Reasons for expulsion to be entered upon record.

SEC. 19. The common council shall have the power to direct the deposit of all moneys, bonds, papers and evidences of value in any bank or banks, and to contract with any such bank or banks for the safe keeping of all public moneys, and for the receipt of interest at a rate not exceeding eight per cent upon such moneys of the [corporation] corporations, deposited with such bank or banks, and to be drawn on account current from such bank or banks by the corporation or proper officer thereof, and such interest shall belong and be credited to the sinking fund, unless herein otherwise provided for: *Provided*, That when the common council has directed the treasurer to deposit said money with any bank or banks, such bank or banks shall give a bond to the city, with sureties in number and in amount to be approved by the common council, sufficient to protect the city from loss. No such bond shall be received and accepted or approved by any officer, committee or said common council, unless the surety or sureties signing such bond shall first have justified their pecuniary responsibility over their signature, in writing, endorsed on said bond or attached thereto. And before any such bond shall be received and approved or accepted, the justification of the sureties thereof, shall in the aggregate, equal the penal sum of the bond, and show that the sureties thereon are worth in unincumbered property, not exempt from execution under the laws of this State, the penal sums thereof, after payment of all just debts, claims and liabilities. Such oath or justification shall be administered by some officer authorized by law to administer oaths, and any person knowingly or wilfully making any false statement of his pecuniary responsibility in such justification, shall be guilty of perjury, and liable upon conviction thereof, to the penalty for perjury. Any person or persons, receiving or accepting or approving any such bond without such justification, shall be guilty of a misdemeanor, and shall further be liable for all damages that may be sustained or incurred by the city by reason of such defective bond being accepted or approved.

SEC. 20. The common council shall have power to expel or remove from office any of its own members, or any other officer holding office by election, except the mayor, recorder and justice of the peace, for corrupt or wilful malfeasance or misfeasance in office, or for the wilful neglect of the duties of his office, by a vote of two-thirds of all the aldermen elect; and in such case the reasons for such expulsion or removal shall be entered upon the records of the common council, with the names and votes of the members voting on the question. But no officer holding office by election shall be removed or expelled by said common council, unless first furnished with a

copy of the charges against him in writing, and be allowed to be heard in his defense, with aid of counsel; and for the purposes hereof the common council shall have power to issue subpoenas, to compel the attendance of witnesses, to examine witnesses upon oath, to be administered by the presiding officer, and to compel the production of papers, when necessary, and shall proceed, within ten days after service of a copy of the charges, to hear and determine upon the case. If any such officer shall neglect to appear and answer to said charges, his default shall be deemed good cause for his removal from office.

Default shall be deemed cause for removal.

TITLE IV.

OFFICERS—THEIR RIGHTS, POWERS AND DUTIES.

SECTION 1. It shall be the duty of the mayor to take care that the laws of the State, and the ordinances of the common council be faithfully executed, to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and examine into all complaints against them for neglect of duty, to recommend to the common council such measures as he shall deem expedient, to expedite such as shall be resolved by them, and in general to maintain the peace and good order and advance the prosperity of the city. The mayor shall be an *ex-officio* member of all the boards of the city of Saginaw, except the school boards, and it shall be his duty to attend all the meetings of said boards, and he shall have a right to speak on any and all matters that come before said boards, but he shall have no vote, except on the police board. The mayor may also issue process and hear, in a summary way, any complaint against any person to whom a license of any description has been granted, in pursuance of this act, for any violation of the laws of the State or the ordinances of the common council, and may issue subpoenas, and compel the attendance of witnesses on the hearing of such complaint, in the same manner as justices of the peace in the trial of civil causes, and on such hearing may annul such license, or suspend it for a certain time. Every determination on such complaint shall be forthwith filed with the clerk of the city, who shall serve a certified copy thereof on the person holding a license affected by such determination, either personally or by leaving the same at his or her usual place of abode, and from the time of such service such license shall be annulled or suspended, according to the tenor of such determination.

Duty of mayor to enforce ordinances, control officers, examine complaints for neglect of duty.

Determination of complaint to be filed with city clerk.

SEC. 2. All official bonds of said city shall be deposited with the clerk of the city for safe keeping, unless the council otherwise order, in which case they shall be deposited as they may direct, and it shall be the duty of the officer with whom such bonds are deposited to deliver the same to his successor

All official bonds to be deposited with clerk.

Official bond of clerk to be filed with treasurer.

Duty of aldermen to attend meeting of council.

Who to be conservators of the public peace.

Duty of comptroller to keep financial accounts of corporation, countersign bonds.

Claims audited against city to be approved by council.

To keep account of taxes, receipts, expenditures.

To advertise for proposals for contracts on behalf of the city.

To sign all contracts and agreements in behalf of the city.

in office. The official bond of the clerk shall be deposited with the city treasurer.

SEC. 3. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor or president or common council; to order the arrest of all persons violating the criminal laws of this State, or the ordinances, by-laws, or police regulations; to report to the mayor, all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act. The mayor, recorder and aldermen, by virtue of their respective offices, shall be conservators of the public peace.

SEC. 4. It shall be the duty of the controller to keep the financial accounts of said corporation, to countersign all cemetery deeds and orders upon the treasury, and sign all bonds and burial permits and all evidences of debt and transfer of property which the common council or corporation are authorized to issue or make, pledging the faith of said city; to receive all accounts and demands against said corporation, examine them in detail, audit or allow them, or such parts thereof as to the correctness of which he has no doubt, and which the claimant is willing to accept in full discharge thereof, file and number them as vouchers, with the date of their allowance, and the funds out of which payable, and when so audited, to report the same to the common council, and when payment shall be duly authorized by the common council, to countersign and register the orders drawn therefor by the city clerk upon the city treasurer. No claim so audited shall be binding against the city until approved by vote of the common council. The controller shall keep a record of bonds issued by said corporation, with the number, amount and dates, when issued, when payable, and all coupons attached thereto, and shall keep account in proper books of all such bonds and the bonded indebtedness, for the information of the common council. He shall also, in like manner, keep accounts of all funds, taxes, assessments, receipts and expenditures, and during the month of July in each year, shall make out and present a full statement and balance sheet of the financial accounts of the city, with such recommendations and explanations as may be proper to add thereto; the controller shall advertise and receive proposals for all contracts for and on behalf of the city, except as in this act otherwise provided, and the controller shall report his action thereon to the council. He shall sign all contracts and agreements on behalf of the city, except as in this act otherwise provided, subject to the orders of the common council, and make all purchases of materials, tools, books, stationery, apparatus, and property for the city or its officers, not otherwise

provided for herein, or ordered by the common council. He shall keep a record of all officers and employes of the city, and certify the pay rolls and wages of all such officers and persons to the common council. He shall be charged with the leasing, repairs, insurance and general supervision of the property of the city, and for his information may require reports from all officers and persons having any city property in charge or possession, and report the same when required by the council. It shall also be the duty of the controller to take and exercise a general supervision of the financial concerns of the corporation, to keep a complete set of books exhibiting the condition of the said corporation in its various departments and funds, its resources and liabilities, with proper classification thereof, of each fund or appropriation for any distinct object of expenditure or class of expenditures. Whenever any such fund or appropriation has been exhausted by warrants already drawn thereon, or by appropriations, liabilities, debts or expenses actually incurred or contracted for, no further warrants shall be drawn by the city clerk nor countersigned by the controller against such fund until another appropriation shall have been made. The controller shall open an account with the city treasurer, in which he shall charge said city treasurer with the whole amount of taxes, special or general, levied in said city and placed in his hands for collection, all sums received for licenses, rents and all other moneys which may be paid into the city treasury, and all bonds, coupons, notes, leases, mortgages, interest and bills receivable by said city, of whatever nature. He shall charge to the treasurer all taxes, which may be placed in his hands for collection, and all other officers of the corporation with all funds, moneys and property placed or being in their possession, and shall require settlement with such officers at least once in each year, and as much oftener as the interest of the city and the safety of its property may require; and he shall give said treasurer and all other officers credits for all money disbursed, upon showing proper vouchers, and for all property consumed, expended and destroyed by ordinary wear and use, and not otherwise. The controller shall make out and attach warrants to all tax rolls in said city, whether for State, county, city, general or special assessments or taxes, and such warrants shall be in the usual form of law, and shall have the same virtue, force and legal effect as warrants made by the supervisors of townships pursuant to the laws of the State. The controller shall also perform such other duties as are, or may be, prescribed by this act, or by the ordinances of the common council, not inconsistent herewith, and shall receive for his services such annual salary as the common council shall prescribe; and he shall give a bond, with sureties, in the sum of not less than five thousand dollars, for the faith-

To be charged with leasing, repairs, insurance and general supervision of the property of the city.

When funds or appropriation have been exhausted no further warrants shall be drawn.

Charge treasurer with all taxes placed in his hands for collection.

He shall attach warrants to tax roll.

Entitled to a seat in council, may speak on matters that come before council.

When absent from the city deputy to perform the duties of comptroller.

Duty of assessor to assess all property liable to taxation.

Make return of registration of births and deaths.

Make copy of annual assessment roll.

Roll to be delivered to treasurer for collection.

To make annual assessment.

Assessment to be spread on tax roll.

ful performance of the duties hereby imposed. He shall have a seat in the common council, and may speak upon all matters that come before the council, relating to the duties of his office, and serve upon committees thereof, but shall have no vote in said council. The controller shall also, on or before the third Monday in April in each year, submit to the common council a statement in detail of the amounts of money, which, in his opinion, it will be necessary to raise by taxation, for all city purposes, for the next fiscal year. In case of disqualification, inability or absence from the city of the controller, the deputy controller shall perform all the duties of the controller, and in case the office of the controller shall become vacant from any cause, such deputy shall act as controller until such vacancy shall be filled; and he shall perform such other duties as may be prescribed by law or any ordinance of the city, and shall have such salary as the common council shall fix.

SEC. 5. It shall be the duty of the assessor, annually, to assess all the property in said city, liable to taxation under the laws of this State, now or hereafter in force, for the purpose of levying the taxes lawfully imposed thereon, and he shall, for the purpose of making such assessment, have all the powers and perform all the duties of supervisors of townships in this State, subject to the limitations contained in Title VI. The assessor shall also prepare and make the returns required by law relative to the registration of births and deaths in said city, and perform such other duties as this act imposes. In the year of eighteen hundred and ninety-seven it shall be the duty of the assessor to make a copy of the annual assessment roll, as finally confirmed, upon which he shall ratably assess the county and State taxes as provided by the general laws of this State. When said roll shall be completed, footed and balanced, the assessor shall deliver the same to the controller, who shall annex thereto a warrant directed to the treasurer commanding the collection of the taxes thereon assessed, and the returns to be made to the county treasurer, in like manner as the same is or may be by law required in warrants of township treasurers for the collection of the taxes in the townships of this State. The assessor shall, in the year eighteen hundred and ninety-eight, and each year thereafter, ratably assess in dollars and cents, the amount of State and county tax, the same to be placed in the city assessment roll, as confirmed by the board of review, in columns separate from the city tax, one column to be marked State and the other county tax; the same to be assessed as provided by the general laws of the State of Michigan, except when changed by the charter of the city of Saginaw. On the first Monday of November the treasurer of the city of Saginaw shall deliver to the city assessor the city tax roll, and the city assessor shall spread upon said city tax roll a copy

of said assessment roll, so far as it pertains to the State and county tax, the same to be placed in columns separate from the city tax, one column to be marked State tax, and the other county tax. When the same is completed, footed and balanced, the assessor shall attach his certificate to each of said books, certifying that the same is the State and county tax roll for the ward for which it was made. The assessor shall, on or before the third Monday in November, deliver said State and county tax roll to the city controller, who shall make entry of the same and of the totals of all taxes assessed thereon in reference to the State and county tax, on the books kept in his said office. And the said controller shall, on or before the first Monday in December, deposit said State and county tax roll with the city treasurer, and take his receipt therefor and charge him therewith. Before the controller delivers said State and county tax roll to the city treasurer, a warrant shall be issued and annexed to each of said books, signed by the controller, under the corporate seal of said city, directed to the said treasurer, commanding and authorizing him to collect from the persons named in each of said books, the State and county taxes and assessments therein set forth due from such persons; and the collection of said taxes and the return to the county treasurer, shall be in the same manner as taxes collected in the townships under the general laws of the State of Michigan. In case of disqualification, inability or absence from the city of the assessor, or vacancy in the office of assessor, the deputy assessor shall perform all the duties of the assessor, and in case the office of assessor shall become vacant from any cause, the deputy assessor shall act as assessor until such vacancy shall be filled, and he shall perform such duties as may be prescribed by law or any ordinance of the city. The assessor and his deputy shall each have power to administer oaths and affirmations whenever necessary to the proper discharge of the duties of the office, and shall receive such compensation for their services in the performances of the duties of such office, as the common council may determine, and the assessor shall be subject to removal for cause the same as other officers appointed by the common council. All abstracts of title belonging to the city, and all deeds, conveyances and evidences of title, and all assessment rolls, shall be kept in the assessor's office, and it shall be the duty of the assessor to keep a list and record of all real estate owned or controlled by the city, and said record shall be properly indexed. The assessor may have a seat in the common council and may speak on all matters relating to the duties of his office; but said assessor and said deputy assessor shall not receive, for any duties imposed, or for services rendered to said city beside their salaries, any fee or reward whatever which shall be paid out or withheld from the city treasury.

State and county tax roll to be delivered to city treasurer.

Collection of taxes to be the same as in townships.

Assessor to have deputy.

Assessor and deputy to have power to administer oaths.

Assessor to keep certain records.

May have seat in common council.

Clerk to keep the corporate seal and files of the city.

Shall publish the ordinances in the official paper.

Laws and regulations to be read as evidence in all courts of justice.

From copy certified by the clerk.

From the volume of ordinances.

From the official printed proceedings.

Clerk to issue all licenses granted by the mayor.

No license shall be valid until attested by clerk.

He shall be clerk of recorder's court.

City clerk may appoint a deputy.

SEC. 6. The city clerk shall keep the corporate seal, and all the papers and files belonging to said city as a corporation, not properly by this act in the custody of some other officer thereof, and shall make a full and complete record of the proceedings of the common council, and all boards that he may be clerk of, whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council and boards, certified to by him under the corporate seal, shall be evidence in all places, when produced, of the matters therein contained. He shall publish all ordinances passed by the common council at least three times in the official paper of said city, and no ordinance shall take effect until the expiration of at least three days from the date of the first publication thereof, and a record made by the clerk of the said city, or a copy of such record or entry duly certified to by him, shall be *prima facie* evidence of the time of such first publication. All laws, regulations, ordinances and proceedings of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, board or body in which it shall be necessary to refer thereto; either,

First, From a copy certified by the clerk of the city, with the seal of the city of Saginaw affixed;

Second, From the volume of ordinances printed by authority of the common council; or,

Third, From the volume of the official printed proceedings of the common council, signed by the clerk, with the seal of the city of Saginaw affixed. The clerk shall issue all licenses granted for any purpose whatever by the common council, and shall enter, in an appropriate book, the name of every person to whom a license is granted, and the number and date thereof, the time during which it is to be continued in force, and the sum paid for such license. No license, for any purpose granted shall be valid until thus attested by the clerk. Said clerk shall also sign all orders drawn upon the city treasury, for claims allowed by the common council. He shall sign all cemetery deeds and attest all contracts awarded by the board of public works, and countersign all bonds and other like evidences of debt. He shall keep a record of all bonds and other papers that he countersigns. He shall also act as clerk of the recorder's court, of the board of public works, the board of health, the board of estimates and the board of police commissioners of said city, and, when so required, of the standing or special committees of the common council, and perform such other duties as may be required by law of the township clerks, so far as applicable under this act or the ordinance of the city. He may also appoint a deputy city clerk, for whose acts he shall be responsible. Such deputy shall

hold his office during the pleasure of the clerk, and may perform any act or duty devolving upon the city clerk, and in case the office of the city clerk shall become vacant, or his inability to act, such deputy shall act as clerk until such vacancy shall be filled, and he shall have such salary as the common council shall fix. All votes, ordinances, resolutions and proceedings of the common council shall, except as herein otherwise provided, be published at least once, by the city clerk, in the official paper of said city, within eight days after the session of the common council in which the same were had or passed.

Ordinances and resolution to be printed in the official paper.

SEC. 7. The treasurer shall receive all moneys belonging to the city, including school moneys, and shall receive all taxes of said city, levied by order or authority of the common council, board of education and union school district, except as herein otherwise provided. The treasurer shall also collect all rents, interest, claims and dues to said city, arising from rentals, leases, sales of property, or claims of any other nature whatever, not herein otherwise provided for. He shall hold all bonds, notes, mortgages and other evidences of debt or value belonging to said corporation. He shall deposit the moneys of the city under the direction of the common council, and the school moneys under the direction of the board of education and union school district, and shall keep an accurate account of the same and of all the receipts and expenditures thereof, and with every fund or appropriation thereof made by this act, or by the authority and direction of the common council or board of education of the city of Saginaw, east side. He shall pay no money out of the treasury, except in pursuance of, or by authority of law, or in satisfaction of warrants drawn by order of the common council, signed by the city clerk and countersigned by the controller; or of coupons and bonds regularly and lawfully issued by said corporation; or in case of school moneys belonging to the board of education of the city of Saginaw, east side, on orders drawn by the secretary and countersigned by the president of the board of education of the city of Saginaw, east side. He shall keep an accurate account of and report to the common council once in two weeks, a detailed statement of all taxes collected and money received, as well as moneys disbursed, and a trial balance thereof, a copy of which report shall be filed with the controller, and at the end of every quarter, shall make a full settlement with the controller and finance committee of the common council producing the vouchers of all transactions, which vouchers shall be cancelled by said controller and committee, and the result of said settlement reported to the council. Bonds and coupons shall be paid out of the particular funds constituted or raised for the purpose for which the same were issued, and warrants shall be paid only out of moneys in the funds against which the same are drawn, as written

Treasurer to receive all moneys belonging to the city.

Also hold all notes, bonds, mortgages.

To pay no money unless authorized by law.

To keep account of taxes, moneys received, etc., and make a detailed statement to the council.

Bonds to be paid from funds raised for that purpose.

Treasurer's office to be in city hall; also books to be open for inspection.

City treasurer to collect state and county taxes, also highway, sewer and school taxes.

Treasurer to give receipts for all taxes collected.

Proviso.

Treasurer may appoint deputies.

To obey orders and resolutions of council.

Council to prescribe percentage to be added to all tax rolls.

upon the face thereof. The treasurer's office shall be in the city hall, where the books and accounts in his charge, belonging to the city, shall be open to the inspection of any tax payer of said city, at reasonable hours in any week day, and where all bonds, coupons and warrants shall be presented for payment; and the treasurer shall not discriminate as to parties holding bonds, coupons, warrants or other lawful demands, and shall pay them only when presented at [this] his office, unless a different place be named in such bond or other demand. The city treasurer shall collect all the State and county taxes, assessed and imposed upon the real and personal property of said city, and also all city, highway, sewer and school taxes, and all such special taxes as may be from time to time levied by the common council for the improvement of streets, the construction of sidewalks, or any other purposes authorized by this act, or the laws of this State, as may be placed in his hands for collection, by the controller or other proper officer of said city; and the warrant of the controller of said city shall confer full power and authority upon said treasurer to collect by levy and sale all the taxes set forth upon any copy or transcript of any general or special roll so placed in his hands, the same as warrants made by the supervisors of townships under the laws of this State, and such treasurer shall give receipts for all taxes collected by him, and mark same paid upon the proper rolls, and shall, on Monday of each second week, deposit with the controller a detailed statement of all the collections so made, and shall make due returns of all rolls and the uncollected taxes thereon, as required by the warrant of the controller, the provisions of this act and the laws of this State: *Provided*, That the returns of all State and county taxes shall be made direct to the county treasurer of the county of Saginaw. The city treasurer shall appoint one or more deputy treasurers, subject to the approval of the common council. Such appointment shall be in writing, and shall be filed with the clerk, and submitted to the council; such deputy shall have all the power and authority of the city treasurer, so far as relates to the collection of taxes, subject to the control of the treasurer; and the treasurer shall be responsible for all the acts of his deputy, and shall pay him for his services. The treasurer shall obey all the orders and resolutions of the common council, not inconsistent with the provisions of this act, and shall turn over to his successor in office all moneys, books, papers, and property of every kind and description due and belonging to said corporation, on demand.

SEC. 8. The common council shall have power to prescribe the percentage to be added to all tax rolls not herein otherwise provided for, and direct to what fund it shall be credited, and may direct the treasurer as to the deposit and safe keeping of all books and papers of his office, and require bonds,

with such sureties and in such amounts as they deem proper, for the faithful performance of his duties as treasurer. The common council shall also have the power at any time during the term of office of said treasurer when they may deem the existing bond, furnished by said treasurer, or the sureties thereon, insufficient, to require the said treasurer to procure additional sureties, or to execute a new or additional bond to the city, in such sum and with such sureties as they may direct; and if the said treasurer shall not execute such new or additional bond, or procure such additional sureties as may be required upon any existing bond, within the period of ten days after service on him of a copy of the resolutions of the common council requiring the same, the council may declare such office vacant, and proceed to fill the same as hereinbefore provided. Said treasurer shall receive for his services, such annual salary as the common council may direct, not less than two thousand dollars nor more than three thousand five hundred dollars per annum, and in addition thereto such percentage for the collection of taxes as the common council shall prescribe.

When council may demand greater bond from city treasurer.

Compensation of treasurer.

SEC. 9. The city attorney shall be an attorney and counselor-at-law, in good standing and admitted to practice in all the courts of the State. He shall, on application of the common council, or of any officer of the city, furnish advice relative to all matters of law in the discharge of their duties, appear in behalf of the city, and of all public boards thereof, in all suits, and perform such other legal duties as may be prescribed by ordinance. The city attorney shall receive an annual salary, to be fixed by the common council, but shall not receive for any duties imposed, or services rendered to said city during the term of his office, besides his salary, any fee or reward whatever which shall be paid out or withheld from the treasury of said city, except for services as supervisor in attending the sessions of the board of supervisors, for which service, the same compensation shall be allowed as to other supervisors.

Powers and duties of city attorney.

Compensation of city attorney.

SEC. 10. The constables in the several wards shall possess the same powers and perform the same duties and obligations as constables of townships, and give like security; they shall obey the orders of the mayor, recorder and aldermen, or of any person legally exercising the criminal jurisdiction of judge or justice of the peace in said city, in enforcing the laws of the State and the ordinances of the said city, and in case of neglect or refusal so to do, they shall be subject to a penalty of not less than one nor more than twenty-five dollars.

Powers and duties of constables.

SEC. 11. The expense of examining and committing offenders against any law of this State, in the said city, and of their confinement, shall be audited, allowed and paid by the supervisors of the county of Saginaw, in the same manner as if such expenses had been incurred in any township of said county.

Expense of examining and committing offenders, how and by whom audited.

Supervisors of wards to be members of board of supervisors of Saginaw county.

Who to be members of board of supervisors.

Cemetery funds.

Moneys for said funds to be paid to treasurer.

Trust funds, how to be invested.

Treasurer to invest such funds.

How money is drawn.

SEC. 12. The supervisors of the several wards of said city shall be members of the board of supervisors of Saginaw county, and shall perform all the duties of supervisors of townships, except as herein otherwise provided, and except as to such duties as are herein especially devolved upon other officers of said city, and shall be entitled to the same compensation as township supervisors, and to such additional compensation as is hereinbefore provided. The assessor, controller, city attorney, recorder and members of the board of assessment and review, shall be members of the board of supervisors of Saginaw county, and represent the interests of this corporation in said board, and as such supervisors, shall be entitled to receive the same compensation as other supervisors, for attendance upon said board.

SEC. 13. The amount standing to the credit of the Forest Lawn Cemetery fund on the first day of April, eighteen hundred ninety-three, together with fifty per cent of all moneys which shall from time to time thereafter be received from the sale of lots and single graves in said cemetery, shall constitute a trust fund as hereinafter provided, the income of which, together with the remaining fifty per cent, shall be used for the general care and maintenance of said cemetery and for the purpose of properly caring for lots and single graves that have been sold in said cemetery. And the treasurer of said city is hereby authorized to accept from lot owners and others such sums as may be agreed upon, to be invested as hereinafter provided, the income thereof to be used only for the purpose of properly caring for such lots and single graves in Oakwood and Brady Hill cemeteries as contribution has been made for. The sums so contributed to be expended in said cemeteries respectively, shall constitute and shall be kept in separate funds. All moneys received for said purposes or for the use of said funds, shall be paid to the treasurer of said city, to the credit of said funds respectively, who shall deposit the same with the other moneys of said city and shall credit such trust funds with their proportionate share of the interest paid on city deposits. Such trust funds shall be invested only in the bonds of the city of Saginaw or any other good securities that are approved by the mayor, controller and treasurer of the city. The city treasurer shall be the custodian of said trust funds, and whenever he shall have an opportunity to invest the amount standing to the credit of said trust funds, he shall do so, upon the advice and written consent of the mayor and controller of said city. The warrant of the controller upon the city treasurer when countersigned by the mayor, shall be a sufficient voucher for the withdrawal of said money for the purpose of investment. Whenever any money is needed for the purpose of caring for said lots or graves, or for the general care and maintenance of said cemeteries, and there is any income available in the proper fund, the

same, or so much thereof as may be required, shall be paid by the treasurer when allowed by the common council. The custodian of the above funds shall report to the common council at the close of each fiscal year the condition of said trust funds, and in what securities the same are invested, the amount of income derived during the year and the amount expended.

Custodian of funds to make annual report to council.

SEC. 14. The city physician, health officer and his assistants, fire wardens, pound masters, inspectors of firewood and hay, weigh masters, harbor masters and scavengers, shall perform such duties, and if required, shall file such securities as the common council shall order.

City officers shall perform orders of council.

SEC. 15. On or before the third Monday of April in each year the board of public works, the board of police commissioners and the committee on fire department of the common council, shall recommend to the common council the salary to be paid to the several officers and employes of said respective boards and departments for the ensuing year, and each of said boards and the committee on fire department shall also at the same time submit to the common council an estimate of the amount of money which, in their opinion, will be required to meet the expenses of their respective departments for the ensuing fiscal year. And the common council shall annually, at their first regular meeting in the month of May, or as soon hereafter as may be, determine or fix the salary or compensation to be paid to the several officers of said city. Said common council shall not increase the salaries of any of the officers recommended by any of the boards, but may decrease said salaries, and they may also from time to time establish fees and compensation of all officers appointed by them, whose fees or salary are not prescribed by law, and whose compensation for services is required to be paid out of the city treasury: *Provided*, That the salary of the officers elected by the people, and of those appointed or confirmed for a fixed term by the common council, shall not be reduced during their respective terms of office.

Certain boards to recommend salary of certain officers to council.

Council to annually fix salaries.

Proviso.

SEC. 16. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall on demand, deliver over to his successor in office all the books, papers, moneys and effects of said corporation in his possession or custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally, for the like offense, under the general laws of this State, now or hereafter in force, or applicable thereto; and every officer appointed or elected under this act, shall be deemed an officer within the meaning and provisions of such general laws of this State.

Officer resigning, etc., to turn over papers.

Penalty for violation.

Further duties
of council to be
prescribed by
council.

SEC. 17. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, duties, power or liabilities, subject to and consistent with the provisions of this act, as the common council may deem expedient, and shall prescribe by resolution, by-law or ordinance.

TITLE V.

TAXES, FUNDS, REVENUES AND EXPENDITURES.

Resources, etc.,
of city to be
controlled by
common coun-
cil, to be des-
ignated in the
following
funds

SECTION 1. The resources and moneys of the corporation shall be controlled by the common council as herein provided; and the said common council is hereby vested with the power to order assessments, direct the levying of taxes, and provide for the collection of the same, under the provisions and restrictions in this act contained; and all assessments, taxes and revenues of said corporation shall be paid into and form a part of one of the following named funds, viz:

General fund.

First, General fund, which shall be appropriated to defray the expenses of the city of Saginaw, for the payment of which out of some other fund, no provision is herein or otherwise made;

Highway fund.

Second, Highway fund, to defray the expenses of repairing paved, graded, planked and improved streets, and for the construction and repair of cross-walks, bridges, drains, culverts, the cleaning of streets, sidewalks, altering, repairing and cleaning sewers, drains, parks, public places, and such other general highway purposes as the common council may direct;

Fire depart-
ment fund

Third, Fire department fund, which shall be appropriated to defray the expenses of purchasing lots, erecting engine houses thereon, purchasing engines and other fire apparatus, paying the regularly appointed firemen of the city, and all other expense incident and necessary to the maintenance of the fire department of said city;

Sinking fund

Fourth, Sinking fund, to pay and discharge the principal and interest of the bonded indebtedness of the city, of every description, provision for the payment whereof is not otherwise made. To this fund shall be credited and paid, at the end of each fiscal year, all interest and penalties received on delinquent taxes and assessments;

Sewer fund

Fifth, Sewer fund, to defray the expenses of constructing the public sewers of the city;

Sewer bond
and interest
fund

Sixth, Sewer bond and interest fund, to redeem and pay the (sewer) bonded indebtedness of said city, and the interest thereon.

Street improve-
ment bond and
interest fund.

Seventh, Street improvement bond and interest fund, to pay all bonds, with interest thereon, issued in pursuance of section twenty, title VI of this charter;

Eighth, Poor department fund, to defray the expenses of providing for and taking care of the poor of the city; Poor department fund.

Ninth, Street improvement fund, to be assessed, levied and collected as hereinafter provided in title VI of this act: *Provided*, That where said several funds belong to the eastern or western taxing districts, as in this act provided, they shall be so kept and designated; Street improvement fund.

Tenth, Lighting fund, to defray the expenses of operating, maintaining and extending the lighting works of said city; Lighting fund.

Eleventh, Such other funds as are herein provided for or as the common council may constitute for special purposes, not inconsistent with the provisions of this act, not to be taken from any of the funds above provided for, except the general fund; Other funds.

Twelfth, Police department fund, to defray the expenses of maintaining the police department. Police department fund.

SEC. 2. For the purpose of defraying the ordinary expenses and liabilities incurred by said city, and paying the same, the common council may, with the approval of the board of estimates, as in this charter provided, raise annually, by tax levied upon the real and personal property within said city, such sum as they may deem necessary for the several funds hereinbefore specified, not exceeding the following per cent on the valuation of the real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment roll of the year preceding the levying of such tax, for the following funds, viz: Authority of council to raise money.

General fund, including poor and police department, eleven-twentieths of one per cent. Limitation.

Highway fund, one-half of one per cent.

Lighting fund, one-fifth of one per cent.

Fire department fund, one-fourth of one per cent.

Sinking fund, one-tenth of one per cent.

If the common council shall deem it expedient for the purposes of the city, to levy a larger tax than is allowed by this section, they may, by giving ten days' notice, by publishing the same in a newspaper published in said city, and posting a notice thereof in three public places in each ward in said city, call a meeting of the tax paying electors of each ward of said city, to be held on a day designated in said notice, at some place designated in each election district of said city and the said taxpayers may then and there vote to levy, assess and collect a further money tax upon all the real and personal property in said city, in such sum as shall be decided by a majority vote of all the taxpaying electors voting at such election, and such tax shall be levied, assessed and collected in the same manner as is provided for the levying or collection of other taxes mentioned in this act: *Provided*, That the manner of voting at such meeting shall be by ballot, and that no person shall vote at such meetings who is not a taxpayer and elector in said city and a resident of the ward and district in When larger tax deemed expedient.
Public meeting.

Proviso.

Conduct of
election.

which he offers to vote, and who was not assessed on the last city tax roll; said election shall be conducted as far as possible in the manner provided for conducting general and special elections in said city, and the inspectors of such election shall have the power to require any person offering to vote thereat to be sworn as to his qualifications to vote at such meeting, and if such person should swear falsely in reference to his qualifications to vote at such election, he shall, upon conviction thereof, be deemed guilty of the crime of perjury and be punished herefor.

What moneys
to be paid into
general fund.

SEC. 3. The moneys assessed by the common council, under the authority of this act, for licenses and permits, and all fines imposed for the violation of the ordinances of the city, except as herein otherwise provided, shall be paid into the general fund of said city.

Council to sub-
mit estimates.

SEC. 4. The common council, after revising, altering and approving the estimates submitted to it by the controller, as provided by section IV, title IV, shall on or before the first Monday in May transmit the same, together with an estimate of any other taxes approved by it, to be raised for the ensuing year, for the approval of said board of estimates, as provided in this charter, and all propositions and resolutions for the borrowing of any money on the credit of the city, or issuing any bonds, shall also in like manner be submitted to the board of estimates, except as herein otherwise provided. It shall be the duty of the common council, on or before the third Monday of May of each year, to determine by resolution the amount necessary to be raised by tax for city purposes, within said city for such year; which amount shall not for any purpose exceed the amount therefor approved by the board of estimates, except as in this charter otherwise provided; and it shall be the duty of the city clerk to certify the amount so to be raised to the assessor, who shall assess the sum so certified, and such other taxes as may be required by law, upon the taxable property of said city.

Council to
cause estimates
to be made.

Assessment of
property for
taxation.

SEC. 5. The assessment of the property and persons for the purpose of the city taxation shall, except when otherwise provided, be made in the same manner as is now, or may at any time hereafter be, required by the general tax laws of this State. The assessor may divide the assessment roll into separate books, one for each ward in said city, which books shall constitute for all purposes the assessment roll of said city, assessing real estate in the ward in which the same, or any part thereof, may be situate, and personal property in any ward of said city in the proper taxing district. Shares in banks or other corporations may be assessed in the ward in which the business of such bank or other corporation is conducted. The assessor shall prepare for said assessment roll a complete index, showing in alphabetical order, the names of all persons therein assessed for personal estate, with reference to the page and book where the assessment may be found.

He shall complete said roll on or before the last Monday of April, and submit the same at that time for the action of the board of review thereon.

SEC. 6. The common council shall appoint five qualified electors and taxpayers of said city, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years, and annually thereafter appoint one such elector for the term of five years, who shall constitute the board of review of said city, and shall be entitled to such compensation for their services as members thereof as the common council may fix. The said board shall meet at the office of the city assessor on the last Monday of April in each year, at nine o'clock in the forenoon, and organize by electing one of their members president, and the assessor shall act as clerk of said board. The clerk of the city shall give notice of the time and place when and where said board of review will meet, and the length of time the same will remain in session for the review and correction of such assessment roll, by publication thereof in the official newspaper of the city, and by posting printed copies of the same in at least twenty public places in each ward of the city at least ten days prior to the time fixed for the commencement of its session. Said board shall thereupon proceed to fully review the annual assessment of the taxable property, real and personal of said city, made by the assessor and by him to be submitted to said board. The board shall have power and it shall be their duty to so alter, amend and correct said assessment of the persons and property on said roll as to equalize the same. They shall have the power to add to said assessment roll any person or property which may have been omitted therefrom, and to strike from said roll any property or person not subject to taxation: *Provided*, That no assessment shall be increased, nor person or property added to said roll, except upon notice to the person to be affected thereby, served in the case of a resident of the city personally, or by leaving the same at his usual place of abode twenty-four hours before any action is taken by the board in respect to such assessment, and in the case of a non-resident, by one publication in any daily newspaper published in said city. Said board shall keep a record of their proceedings, and no assessment shall be made or changed, except by a majority vote of said board, taken by ayes and nays, and entered at large upon the record.

Board of review.

Meeting and organization of.

Duty of clerk.

Powers and duties of board.

Proviso.

Keep record.

SEC. 7. The said board shall continue in session from day to day, Sundays excepted, to and including the second Monday in May, from nine o'clock in the forenoon to twelve o'clock noon, at the office of the city assessor, when and where any person desiring to do so, can examine his or her assessment on said roll, and may show cause, if any, why the valuation should be changed. The board shall decide the same, and their decision shall be final, unless the person affected thereby

Length of session.

When decision to be final.

shall within forty-eight hours after such decision, make and file with the city clerk his appeal therefrom to the common council, in writing, and state specially the grounds of appeal.

Further duties
of said board.

SEC. 8. It shall be the duty of said board, in order to familiarize themselves fully with the methods pursued in the making of said assessment roll, and with the valuation of all the respective lots and parcels of land embraced therein, to personally examine, as far as practicable, all the property described in said roll, with the value of which they are not already acquainted, and to this end, the afternoon of each day while the board shall remain in session, shall be spent in the examination of property and the detail work of correcting and equalizing the assessments in said roll, and may appoint committees from their own members, for the purpose of examining property described in such roll.

Assessment
roll to be ap-
proved by
board of
review.

SEC. 9. When the board shall have completed their review of said assessment roll, a majority of said board shall endorse upon each book thereof, and sign a statement to the effect that the same is the assessment roll for the ward for which it is made, as approved by the board of review. Said assessment roll so approved and certified, shall thereupon be delivered to the assessor of said city. And the assessor shall, on the third Monday in May, submit the said assessment roll, so corrected and certified, to the common council of said city; and the common council shall, at the same or an adjourned session, proceed to consider the special appeals, if any, taken from the action of the board of assessment and review, and decide the same in a summary manner, correcting any errors that they may discover in the assessment; and on or before the fourth Monday in May, fully and finally confirm said assessment roll, and thereupon cause it, with the record of their action thereon, to be returned to the city assessor. The city assessor shall thereupon proceed to ratably assess thereon in dollars and cents, the amount of taxes and assessments, authorized to be assessed and collected in said city, to each person named or lot described upon said assessment roll, showing in separate columns the amount of highway tax, school, sewer and other city taxes and assessments assessed to each person or lot, and when said roll has been completed, footed and balanced, the assessor shall, on or before the last Monday in June, make a copy of said assessment roll as completed. The same to be divided into separate books, one for each ward, which shall be known as the city tax roll, and the said assessor shall deliver the said tax roll to the controller, who shall make entry of the same and of the totals of all taxes assessed thereon on the books of said office, and the said controller shall, on or before the first Monday of July, deposit said tax roll with the city treasurer and take his receipt therefor and charge him therewith.

Council to con-
firm roll.

Assessor to
assess taxes.

Controller to
keep record of
taxes, assessed.

SEC. 10. Before the controller delivers said tax roll to the treasurer, a warrant shall be issued and annexed to each of said books, (tax roll) signed by the controller under the corporate seal of said city directed to the treasurer, commanding and authorizing him to collect from the persons named in each of said books (said tax roll) the taxes and assessments therein set forth, due from such persons and unpaid on the first Monday of November next, together with interest at the rate of one per cent per month, from and after the first day of the preceding August, for the benefit of said city, together with such collection fee as the common council may, by resolution or ordinance prescribe, not exceeding three per cent, as compensation for the services of said treasurer in collecting the same, and for such purpose, if necessary, to levy upon and sell the personal property of any person or persons named in said roll, refusing or neglecting to pay the same, wherever such personal property may be found within the limits of the county of Saginaw, which warrants shall be returnable on the first day of March next ensuing: *Provided*, That if at any time after the first day of August, and before the first day of November next ensuing, the city treasurer shall become apprehensive of the loss of any personal tax on said roll, if the collection thereof be delayed until said first Monday in November, he may proceed to enforce its collection at any time, by distress and sale of the property of the person against whom such tax is assessed, or he may bring suit for collections of such tax, and if compelled to seize property or bring suit, he may add to such tax two and one-half per cent for collection fees.

Warrant to be issued commanding the treasurer to collect taxes.

Proviso.

SEC. 11. Upon the receipt of the tax roll by the treasurer, as hereinbefore provided, the taxes thereon shall become and be due and payable, and the treasurer shall forthwith, upon receipt of the said tax roll, give notice by publishing for three successive days in one or more newspapers printed and circulated in said city, and by posting the same in at least six public places in each ward of said city, that the general city tax roll has been deposited with him for collection, and that payment of the taxes therein specified may be made to him without addition to taxes paid before the first day of August then following, but that an addition of one per centum upon all unpaid taxes will be made thereto on that day, and a like addition of one per centum will be made for each month thereafter, until the first day of March next following; and that the payment of all taxes remaining unpaid on the first Monday of November, will be enforced by levy and sale of any personal property which may be found in said county of Saginaw, belonging to the person against whom such tax is assessed, which notice shall be a sufficient demand for the payment of all taxes upon said roll. Upon the receipt of any tax, the treasurer shall mark the same paid upon the proper roll, adding after the word "paid," the day and month when

When taxes due and payable.

Treasurer to give notice of receipt of tax roll.

Taxes paid to be marked on roll.

paid, but it shall not be necessary in the receipt for the taxes, unless demanded, to state all the several taxes in detail, but it shall be sufficient to state the total thereof, and (the) one per cent of any total represented by the several taxes upon the roll, with interest and charges, if any.

Power of treasurer to levy and sell property for taxes

SEC. 12. By virtue of the warrant by this act authorized to be issued by the controller, the city treasurer shall have power, and it shall be his duty to diligently search for and levy upon the personal property of persons from whom such taxes may be due, wherever the same may be found within the limits of Saginaw county, and he shall have the same powers in respect to the seizure and sale of property and all other proceedings, to enforce the collection of the taxes upon his roll as are now, or may at any time hereafter, be conferred upon township treasurers by the general laws of this State.

Taxes levied to be a lien.

SEC. 13. Every assessment or tax levied or imposed by the authority of the common council, or of this act, except when otherwise provided, shall constitute a charge against the person to whom assessed, from the date of the delivery of the tax roll to the city treasurer, and shall, together with all interest and charges, become and remain, until paid a lien upon the lands and tenements against which the same is assessed, from the date of such delivery, and all personal taxes so levied or imposed, shall also be a lien on all personal property of such persons so assessed, from and after the delivery of said tax roll to said city treasurer, and shall take precedence of any sale, assignment or chattel mortgage, levy or lien, on such personal property, executed or made thereafter, except when such property is actually sold in the regular course of trade. All proceedings for the levy and assessment of said taxes shall be presumed to be regular and valid. All provisions of law respecting the return and sale of property for the non-payment of taxes, for State, county and township purposes, shall apply to the return and sale of property for the non-payment of such city taxes, including all taxes carried into said city tax roll from any special assessment roll, except as herein otherwise provided. The county treasurer of Saginaw county shall, on demand and as fast as the same are received, pay over to said city, the full amount of all city taxes returned delinquent for non-payment, received by such county treasurer, together with the interest and all the collection fee thereon, and he shall also, as soon as the same are received by the county, pay over unto said city the net proceeds of the sale of all property so returned delinquent for the non-payment of city taxes of said city, or of the former cities of Saginaw and East Saginaw.

County treasurer to pay over city taxes, etc., collected.

Controller to sell, assign lands.

SEC. 14. The controller of said city is hereby authorized, by proper deed of release, to sell, assign and transfer to any person or persons who shall pay the city treasurer the amount for which the same was sold, together with interest thereon,

all the claims which the cities of Saginaw or East Saginaw have acquired in and to any lands heretofore bid in for either of said cities under the provisions of the several charters thereof, or any laws of this State, and which have not been redeemed by the owner or other person interested therein, and all proceeds of such sale shall be credited by the treasurer to the proper fund of the taxing district wherein such lands are situated.

SEC. 15. The controller shall also have the authority and it shall be his duty, to execute and deliver to any person, his heirs or assigns, on the presentation of the proper certificate, a deed of conveyance of any lot or parcel of land described in said certificate, which shall heretofore have been bid off by said person at any sale for delinquent taxes held by the village of South Saginaw, and such deed or conveyance shall have the same force and effect as it would have had if executed by the proper officers of said village.

Deed of conveyance to be delivered on presentation of certificate

SEC. 16. Whenever any general tax either State, county or city, shall be held invalid by any court of competent jurisdiction, it shall be the duty of the city assessor, when notified of said fact by the common council, to re-assess the same in the next general assessment roll, if a city tax; and if a State or county tax, then in the State and county assessment roll. Said re-assessment shall be made in the same manner as original assessments are made. The same to be in a separate column in the assessment roll made for that purpose. If a personal tax, it shall be assessed as personal and if a real estate tax, then it shall be re-assessed to the real estate upon which the original assessment was made, and if said re-assessment is made, the lien shall continue upon said property the same as if said tax had not been set aside.

Proceedings when assessment is held invalid.

Re-assessment, how made.

SEC. 17. For public improvements and public buildings in said city other than the city hall, the common council may, if thereto authorized by a vote of the taxpayers of said city, as provided in section two, title V, of this act, borrow, on the faith of the city, a sum not exceeding one hundred thousand dollars, for a term not exceeding twenty years, at a rate of interest not exceeding six per cent per annum, payable semi-annually, and for that purpose may issue bonds of the city, signed by the mayor and controller, and countersigned by the clerk, and in such forms and sums, not exceeding, in the aggregate, the said sum of one hundred thousand dollars, as the said common council shall direct, and such bonds shall be disposed of under the direction of the common council of said city, upon such terms as they shall deem advisable, but not for less than their par value, and the avails thereof shall be applied only for the purpose of public improvement, and building school houses and other public buildings in said city.

Council may issue bonds.

Amount limited.

Bonds.

SEC. 18. It shall not be lawful for the common council, except as herein otherwise provided, to borrow any money, or

In what cases unlawful to borrow money.

authorize the creation of any liability or indebtedness against said city in any one year, exceeding in the aggregate the amount which by this act may be raised by tax for such year, and in case any sum or sums of money shall be borrowed by said common council, in any one year, or the said common council or any officer thereof, shall enter into any contract for the payment of money binding upon said city, the same shall be paid out of the sum raised by tax for such year, if the payment thereof is not otherwise provided; and all sums of money borrowed by said city shall be applied to the purposes for which the same was borrowed, and for no other purpose whatsoever.

Property exempt from taxation not to be taxed.

SEC. 19. No real or personal property which shall be exempt from taxation by the general laws of this State, nor any public square, park, or other public grounds or buildings, shall be assessed for the ordinary city, State and county taxes.

What sums to be credited to sinking fund.

SEC. 20. The fund raised for the payment of the principal of the funded debt when due, and such other sums as the treasurer is by this act required to credit to the sinking fund except those raised for the payment of the interest of the funded debt shall be securely invested by the treasurer with the advice and the written consent of the mayor and controller, in the bonds of the United States, the State of Michigan, or of the city of Saginaw.

Orders for payment of money, what to specify.

SEC. 21. No money shall be drawn from the city treasury, unless it shall have been previously appropriated to the purpose for which it shall be drawn, and all ordinances, resolutions and orders, directing the payment of money shall specify the object and purpose of such payment, which shall be certified by the clerk and countersigned by the controller, before the same shall be paid by the treasurer.

Claims payment of.

To be accompanied by affidavit

SEC. 22. The common council shall possess the exclusive power to appropriate moneys and authorize the payment of claims and amounts chargeable against said corporation; but no unliquidated amount or claim shall be allowed or received for audit by the common council or controller, unless it be accompanied by the affidavit of the person rendering it, or some person acquainted with the facts, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered to the city; that the sums charged therefor are reasonable and just; and that, to the best of his knowledge and belief, no set-off exists nor payment has been made on account thereof, except such as are included or referred to such account or claim. It shall be sufficient bar or answer to any action or proceeding in any court for the collection of any demand or claim against said city that it has never been presented to the controller or common council for audit and allowance; or if so presented, was rejected for want of such affidavit, or that the action or

What to be sufficient answer to action for collection of claim.

proceeding was brought before the common council had a reasonable time to investigate and pass upon it. All amounts due upon contracts, shall be audited according to the terms thereof, without unreasonable delay, but on the final settlement thereon, the contractor may be required to make the affidavit herein provided for, as in the case of other accounts.

Claims on contract, how settled.

SEC. 23. The common council may, whenever thereto authorized by vote of the electors of the city, as provided in section two of this title, levy such tax in any one year, or succession of years, as the electors of said city shall authorize, for the purpose of constructing a prison or workhouse, almshouse, bridge or bridges across the Saginaw river.

Council to levy tax as electors may authorize.

SEC. 24. The common council is hereby authorized to issue the bonds of said city to the amount of one hundred and twenty-five thousand dollars, for the purpose of raising money; first, to construct a bridge across the Saginaw river and the Emerson bayou, east from Court street and to procure the right of way therefor, and after that for the construction of a bridge across said river at such point in the first ward of the city as the common council may deem proper, and to procure the right of way therefor. And also for the construction of a bridge across said river, east from Perry street, and to procure the right of way therefor. Said bonds to be in such amounts and payable at such times and places and with such rate of interest, not exceeding six per cent per annum, as the common council may determine; and such bonds shall be issued and disposed of at the best obtainable price, not less than par, and the proceeds thereof shall be used for no other purpose.

Council may issue bonds for certain purposes.

Amount of bonds, and when payable.

SEC. 25. The common council of said city is hereby authorized to issue the bonds of said city to the amount of two hundred and twenty-five thousand dollars, said bonds to be in such amounts, payable at such times and places and with such rate of interest as the common council may determine, for the purpose of raising money to purchase a site for, and the construction of a city hall of said city, which city hall shall be located south of Atwater street, west of Franklin street, and east of the Saginaw river. Said bonds shall be issued and the proceeds thereof shall be used for no other purpose. It is made the duty of said common council to proceed immediately to procure such site and construct such city hall within said boundaries. All the offices of the city shall be located and kept, and all the city courts of the city shall be held in such city hall when completed.

Council to issue bonds to build city hall.

Proceeds of bonds to be used for no other purposes.

TITLE VI.

OF STREET AND PUBLIC IMPROVEMENTS.

Council to have power to lay out, widen, alter streets.

SECTION 1. The common council of the city of Saginaw shall have full power to lay out, open, widen, alter, close, fill in or grade, vacate or abolish any highway, streets, avenues, lanes, alleys, public grounds or spaces in said city.

To declare improvements necessary, how.

SEC. 2. When any improvement is to be made the common council shall so declare by resolution.

Power of council to lay out.

SEC. 3. The common council shall have the power to cause such of the streets and highways in said city, as shall have been used for six years or more as public highways or streets, and which are not sufficiently described or have not been duly recorded, to be ascertained, described and recorded in the office of the board of public works of said city, in the book of street records, and the recording of such highway, streets, lanes, alleys, or public grounds, so ascertained and described, or which shall hereafter be laid out and established by said common council, and recorded in the book of street records, in the office of the board of public works, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley or public ground, therein described. And the board of public works is hereby empowered and it is made its duty to determine and establish the grade lines of all streets, highways, lanes, alleys, sidewalks and public grounds in said city, and when such grade is so established a record thereof shall be made in said book of street records or other book to be provided for that purpose, and when the grade lines of any street, highway, lane, alley or public ground has been so established and recorded, the same shall not be changed, except by the unanimous recommendation of said board, and the votes of two-thirds of the members of the common council, which change shall be recorded in the manner provided for recording the original grade line thereof. And no street shall be graded until the grade line thereof is so established.

Board of public works to establish grade of streets.

Lines to be recorded.

Power of council concerning sewers.

SEC. 4. The common council shall have the power to cause the common sewers, drains, vaults, arches and bridges, culverts, wells, pumps and reservoirs to be built in any part of said city, to cause the grading, raising, leveling, repairing, paving, repaving, repairing or covering with stone, brick, blocks, plank or other material, any street, avenue, lane, alley, highway, public ground, sidewalk or crosswalk of said city, but all such improvements shall be done by the board of public works, as herein provided; but no such public improvement shall be made by paving in any way, except upon an affirmative vote of two-thirds of all the aldermen elect, unless a majority of the property owners having property fronting on the

place to be so improved, shall have petitioned the common council to make such improvement, in which case a majority vote of the council shall be sufficient to order the same.

SEC. 5. The common council may determine that the whole or any part of the expense, including costs of estimates, plans, surveys, assessments and other expenses incidental thereto of any public improvement, shall be defrayed by an assessment on the lands to be benefited thereby, except where the improvement is made by paving or repaving between the street car tracks or railroad tracks and between the double tracks, curves and switches, and the paving required to be done by the street car companies or railroad companies on the outside of their tracks, the width provided for in their ordinances, the cost of which shall be assessed against said street car companies or railroad companies as a personal tax, and be placed in the special tax roll, the same as when any other special improvement is made. And the common council shall, either before or after the completion of such improvement, declare by resolution whether the whole or what portion of the cost of such improvement shall be assessed to said lands, except that portion to be paid for by said street car companies or railroad companies as above provided: *Provided, however,* that the assessments which may be levied upon any block or parcel of real estate, shall not exceed the benefit which it is especially deemed to have received by such improvement. Whenever any improvement is ordered in any street, except paving, repaving, planking or macadamizing, the board of public works shall have authority to determine whether such improvement shall be done by the city, under the direction and supervision of the board of public works, or whether bids shall be solicited and the improvement be let by contract. When such improvement is completed, or as soon thereafter as may be convenient, the board of public works shall prepare a detail statement of the cost of such improvement, showing the amount to be assessed on the property benefited, as provided by the resolution ordering the said improvement, and the amount of cost for paving between the street car tracks or railroad tracks, double tracks, switches, curves and the distance, if any, outside of its said tracks, as provided for by the ordinances of said city.

Council to determine expenses.

Proviso.

Board of public works to decide how improvement to be made.

Board to prepare statement of expense.

SEC. 6. The same shall be certified to the common council, and when such statement shall have been approved by the common council, as reported by the board of public works the common council shall then fix a taxing district showing the property benefited and the amount of said improvement and the same shall be certified to the city assessor, who shall proceed, without unnecessary delay, to make an assessment, according to such order of so much of the cost of said improvement as may have been ordered specially assessed, upon all property in said district, specially benefited, in proportion to

Council to approve statement and fix taxing districts.

Assessor to
make assess-
ment roll.

the benefit and advantage which each description of property is deemed to receive from the making of such improvement, subject to the limitation of actual benefit, as provided in the preceding section; and said city assessor shall make out an assessment roll, reciting in the heading thereof the improvement, and in the body of which shall be entered a description of the property assessed (except where the improvement is made by the city between the tracks, double tracks, curves and switches of the street car companies or railroad companies, and the space to be paved by said companies on the outside of their tracks, in which case the same shall be placed in the special assessment roll against said street car companies or railroad companies as a personal tax), the amount or amounts in dollars and cents assessed therein, and the names of the supposed owners thereof, when known, together with a diagram (which diagram shall be furnished by the city engineer), showing the property assessed and the names of the supposed owners thereof, written upon each description of property or parcel of land so specially assessed: *Provided*, In all cases where the ownership thereof is unknown to the city assessor, in lieu of the name of said owner, the words "non-resident" may be used; but no omission or mis-statement of the owner's name shall invalidate the assessment thereon.

Proviso.

Assessor to cer-
tify that assess-
ment has been
made to the
best of his
judgment.

SEC. 7. The city assessor shall certify upon said roll that he has made such assessment upon the property described, in accordance with the order of the common council relating thereto, and that said assessment contains a just and true assessment of the costs of such improvement (stating the sums thereof) and that the several amounts assessed against each description of property, have been set down to the best of his judgment of said assessor according to the benefit and advantage which each description of property is by him deemed to receive from the making of said improvement, and that each parcel thereof is benefited specially by such improvement to the amount of the assessment thereon; and that the amounts assessed to the street car company or companies, or railroad companies is the actual cost of paving or repaving (as the case may be) between the tracks, double tracks, switches, curves, and on the outside of the tracks of said street car or railroad company or companies.

When roll cer-
tified to be filed
with county
clerk.

SEC. 8. As soon as said roll is completed and certified to by the city assessor, it shall be filed with the city clerk, who shall number it as "special roll No. for the year 18.... of the taxing district," and shall also endorse the date when so filed thereon, and report the same to the common council without unnecessary delay. The rolls for the various classes of improvements shall be distinguished by a letter prefixed to the number of the roll, as follows: For sidewalks "A," for sewers "B," for street improvements, payable in five years, "C," for street improvements payable in one

Rolls to be dis-
tinguished by
letters.

year "D," for private sewer connections "E," for private water connections "F," miscellaneous rolls "G."

SEC. 9. Upon such notice of the completion of such assessment, and filing of any special assessment roll, the common council shall cause notice to be given to all parties interested therein, reciting the names on said roll, by publication in a newspaper published in said city, for three successive issues of said newspaper, that the common council will at such time as they shall appoint, hear objections to and appeals from said assessment.

Council to give notice.

SEC. 10. At the time appointed for that purpose, and such other times as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment in whole or in part or may set the same aside and direct a new assessment; or the said common council may ratify and confirm such assessment without any corrections, or with such corrections therein as they may deem proper. And the common council may confirm and approve all or any number of said rolls upon a single roll call, unless some member of the council objects, and in case of such objection being made, the several rolls so objected to shall be voted upon separately.

Council to hear objections to assessment.

Council to confirm assessment roll.

SEC. 11. Every assessment roll so ratified and confirmed shall be final and conclusive, and within five days after the confirmation thereof, the controller shall deliver the same to the treasurer. Upon delivery of such roll to said treasurer, the taxes therein specified shall become and be due and payable, and shall constitute a lien upon the property in said roll described; and the treasurer shall forthwith give public notice of the delivery thereof to him by publication for three successive days in the official paper of the city. During the period of sixty days next after the receipt of roll, "A," "D," "E," "F" and "G," by the treasurer, any person may pay to the treasurer the amount of any taxes assessed on said roll, without interest, and by payment of the amount thereof, together with interest at the rate of one per cent per month, computed from the expiration of the said sixty days to the date of payment. The treasurer shall be charged with the amount of such roll, at the time of its delivery to him, and on or before May first next ensuing, he shall make and file, under oath, with said controller, a full and complete transcript of all parcels of real estate in said roll upon which taxes remain unpaid, together with the amount thereof, and shall, upon such return being made, together with the original rolls receive proper credit therefor upon the books of the controller. On or before the tenth day of May next following, the controller shall certify to the assessor the amount of such taxes, and a description of the premises assessed and chargeable with such tax, who shall assess such unpaid taxes, together with interest at the

Assessment roll so ratified to be conclusive.

Taxes to be a lien on property.

When taxes may be paid.

Treasurer to be charged with amount charged on roll.

Controller to certify to the assessor the amount of taxes to be collected.

Premises may be sold for the non-payment of taxes.

Owner to bear expense of public improvement.

Agreement of landlord and tenant not to be impaired.

Public improvement, what construed to include.

What provisions to be matter of record.

rate of one per centum per month, on all sums so uncollected and unpaid, computed from the expiration of said sixty days hereinbefore specified, to the first day of August in the year in which the same shall be placed by the assessor, as herein provided, in the tax-roll next thereafter to be made in a column specifying the proper taxing district to which the same belongs, and such tax shall then be levied, collected and returned and the said premises may be sold for the non-payment thereof, as provided by law for (the) non-payment of other taxes.

SEC. 12. In cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed in law the person who ought to bear and pay every such assessment, made for the expenses of any public improvement in said city.

SEC. 13. Nothing herein contained shall impair, or in any way affect, any agreement between any landlord and tenant, or other persons, respecting the payment of any such assessments.

SEC. 14. The term improvement, as used in this act, shall be held and construed to include not only those set out and recited in the first section of this title, but the stumping, ditching, and grading of all public streets, highways, lanes and alleys, the construction of plank roads, the laying of pavements of wood or stone, including the crosswalks, flagging or macadamizing, with broken or pounded stone, of the streets or roadways of said city, the draining and filling of all the low lands and lots, and the general betterment of all streets, highways, lanes, alleys, parks, public places and grounds within said city.

SEC. 15. All proceedings of the common council, under the provisions of this title and title ten, shall be matters of record in the proceedings of the common council, and shall not fail on account of any technical or clerical error made by any officer or board of the common council of said city, nor because of any act not being done at the time or in the manner herein required, nor on account of the property having been assessed without the name of the owner, or in the name of any other person than the owner, or on account of the contract therefor having been let without a sufficient advertisement, or any advertisement for bidders, or on account of any other irregularities, informality or omission, or want of any matter of form or substance, in any proceeding that does not prejudice the property rights of the person whose property is taxed, and unless the party complaining of such failure, shall show affirmatively that he has been injured thereby; and all such proceedings shall be construed favorably by all courts of this State, and they shall be presumed to be legal and valid, until the contrary is affirmatively shown; and in case that any litigation may arise between the city and any person, out of pro-

ceedings under this title, the court shall require the complainants to furnish bonds with sufficient sureties to indemnify the city against any loss or damage that may accrue to it from such proceedings, before granting process of injunction against the said corporation. And in any case or proceedings involving the validity of said taxes and assessments, the same shall be held valid and sustained for such amount thereof as shall be found to be legally or equitably chargeable against the person or property against which the same is assessed. If two or more parcels of land are assessed together erroneously, the court before which such cause or proceeding is pending, shall, if practicable, ascertain the amount equitably chargeable against each, and sustain such tax or assessment against such parcel. And whenever necessary for the enforcement of such special assessment, it may be re-assessed as provided in section twenty-eight of this title.

Taxes and assessments to be held valid.

SEC. 16. The common council shall have power to require the owners or occupants of any lands in said city to build, repair, keep in repair, and rebuild, when necessary, all sidewalks in said city, and the common council may, by ordinance, prescribe the dimensions of all sidewalks to be built in said city, and of what material the same shall be constructed, repaired or rebuilt, and in such ordinance may fix the time within which the owner or occupant of any lands, in front of which any sidewalk is to be built, repaired or rebuilt, shall build the same, and the common council may prescribe such penalty for violation of such ordinance as they may deem proper, not exceeding the amount limited by this act.

Council to compel owner to build sidewalk.

SEC. 17. The building, repairing and rebuilding of all sidewalks in said city, shall be done under the direction of the board of public works of said city. If any person shall refuse or neglect to build, repair or rebuild any sidewalks in front of his or her premises, of such material and width in the time fixed by the ordinance of said city, the board of public works shall construct, repair or rebuild the same, and the cost and expense thereof shall be paid out of the highway fund of the proper taxing district of said city, and such cost and expense of building, repairing or rebuilding such walk shall be assessed upon the lands of such owner or occupant adjacent to such walk, in the same manner as provided for other public improvements. Nothing herein contained shall be construed as exempting any person from being prosecuted for violating any ordinance of said city relating to sidewalks. If the owner or occupant of any lands in said city shall neglect or refuse to comply with any order of said common council, or board of public works, concerning the repairing or rebuilding any sidewalk in said city, or if such owner or occupant shall suffer any sidewalk in front of his or their premises to be out of repair, so as not to be in a condition reasonably safe and fit for travel, such owner or occupant shall be liable to said

To be under direction of board of public works.

When board may construct.

Proceedings in case of neglect.

city for all damages and costs recovered from said city by reason of such sidewalk being out of repair, and such damages and costs may be recovered by said city, in any court of competent jurisdiction, with costs of suit, and any judgment recovered against said city shall be conclusive evidence of the liability of such owner or occupant to said city: *Provided*, That such owner or occupant shall be notified of the pendency of any suit brought against the city to recover such damages, and requested to assist in the defense thereof: *Provided, further*, That any person who is injured upon any of the public highways or streets of said city, by reason of the neglect to keep such public highways or streets, bridge or culvert on the same, in repair, and in a condition reasonably safe and fit for travel, shall within sixty days after receiving such injury, notify the common council of said city of the time and place where such injury was received, and the manner in which it was received, and the nature of the injury. The failure of any person so injured to give such notice within the time and in the manner above required, shall constitute a complete bar to any action against said city for any damages that might otherwise be recoverable against said city on account of such injury. No such action shall be maintained in any case unless the same be brought within one year after such injury shall be received.

Ditches and gutters. SEC. 18. The common council of said city shall have power to compel the owners or occupants of any lands in said city, fronting on any street or streets in said city, to deepen or clean out the ditches and gutters at the sides of any and all streets in said city; and whenever the common council of said city shall determine that such ditches or gutters need cleaning or deepening, or both, they shall so declare by resolution, and direct the board of public works of said city to notify such owner or occupant of such lands to clean or deepen, or both clean and deepen such ditch or gutter, in such manner as said board shall direct, within five days from the time of service of such notice, and in case any such owner or occupant shall refuse or neglect to comply with such notice, the work shall be done by the board of public works of said city, and such costs and expenses shall be assessed upon the lands of such owner or occupant, and collected in the same manner as other taxes for public improvements. No resolution ordering the building, repairing or rebuilding of sidewalks in any street in said city, shall be passed by the common council until the expiration of at least one week after such resolution shall have been offered or introduced before said council.

Resolutions concerning to be introduced one week before passage. SEC. 19. To meet the [expense] expenses of improving streets in said city, by paving, grading, graveling or otherwise, in anticipation of the collection of the assessments and taxes to defray the expense (and) cost thereof, the common council may, by resolution, with

Money may be borrowed in anticipation of tax.

the approval of the board of estimates, authorize and direct the mayor, controller and clerk of said city to borrow a sum not exceeding one hundred and fifty thousand dollars in any one year, for such purpose, and to issue bonds of (said) city therefor, bearing interest at the rate not exceeding six per cent per annum, payable semi-annually, which shall be chargeable to and paid by the proper taxing district:

Provided, That the total amount of bonds which the common council is thus authorized to issue, shall not exceed three hundred thousand dollars outstanding at any one time. The common council may, when any of the above improvements are made, authorize that the bonds for making said improvements shall run for a period of not less than five or more than ten years. And the amount of bonds which may be issued for such purpose shall be made payable in annual equal parts as ordered by the common council. The said bonds to be endorsed "street improvement bonds of the taxing district," and to be numbered or lettered consecutively. Said bonds shall not be sold for less than par, and the proceeds of the same shall be paid to the city treasurer, and by him placed to the credit of the "street improvement fund," of the proper taxing district. All said bonds shall be paid at maturity, and the common council shall not have the power to authorize the re-issue of the same bonds or of bonds to take up said original bonds.

Proviso, limiting amount of bonds.

Payment of bonds.

SEC. 20. All the sections of this title relative to ascertaining and assessing the cost of street improvements, shall be applicable to the ascertainment of the cost of street improvements, paid for by proceeds of street improvement bonds, and the assessment of said cost upon the property benefited thereby, except that the assessment rolls shall be designated by the city clerk as street improvement rolls. Every assessment roll so ratified and confirmed, shall be final and conclusive, and when any such assessment shall have been confirmed by the common council, the assessment roll shall be attested by the city clerk, under seal, and it shall be deposited with the city assessor, who shall be responsible for its safe keeping. And a copy of said roll as certified by the clerk of said city shall be deposited in the controller's office and retained by him. The assessor shall divide such assessment into five or more equal parts as the council shall determine, one of which, together with interest for one year, at a rate not exceeding six per cent per annum upon all sums remaining unassessed, shall be placed in the annual tax roll in the street improvement bond column of the proper taxing district thereof, upon and opposite the description of property described in said assessment roll, in each year thereafter, until the same is all assessed upon said annual tax roll, except where assessment is made against a street car company or railroad company as a personal tax.

Sections of this title to be applicable to what.

Assessment roll to be conclusive.

Assessor to divide assessment roll.

**Assessment for
payment of
bonds.**

SEC. 21. On or before the first Monday of May in each year, the common council shall ascertain and determine the amount required over and above the collections made or anticipated to be made therefor, from the special assessments levied in the respective taxing districts, under the provisions of section twenty of this chapter, to meet and pay the street improvement bonds of said city, and the annual interest thereon, theretofore issued for the benefit of the separate taxing districts of said city, and maturing in the year following the first day of July then next ensuing, and shall, with the approval of the board of estimates, cause the amounts so required to be raised in each taxing district respectively, to be certified to the assessor of said city, to be by him assessed upon all property, real and personal thereof. Such amounts the assessor shall spread on the annual tax roll, in the street improvement bond column thereof, upon the real and personal property of the proper taxing district of said city; and such taxes, when so assessed by the assessor, shall become a lien upon the premises assessed, the same as other city taxes, and so remain until paid, and the payment thereof shall be enforced and collected in the same manner as the annual taxes of said city, and for non-payment thereof, the premises may be sold in the same manner as for the non-payment of other taxes levied in the said city, and when so collected shall be placed to the credit of the street improvement bond and interest fund of the proper taxing district, and shall be applied to the payment of the interest on said street improvement bonds, and the principal of said bonds, as they shall fall due, or repayment to the city of the moneys advanced to pay the same, and for investment, as provided for in this act, and for no other purpose.

**Taxes a lien on
property
assessed.**

**Sale of
premises for
non-payment.**

**Treasurer to
invest certain
moneys.**

SEC. 22. After payment into the treasury of any money received for assessment or taxes under the street improvement system, the city treasurer shall, under the direction of the mayor and controller, invest such sums not required to pay expenditures, interest or bonds, during the current year, in bonds of the United States or of this State, or purchase therewith unmaturing street improvement bonds or other bonds of said city, as may be the most expedient or beneficial to the city.

**Council to
assess non-
residents.**

SEC. 23. The common council are hereby authorized to cause to be assessed upon the lands of non-residents of said city, their just proportion of the expenses of cleaning and repairing streets and sidewalks, and removing nuisances, and the said expenses shall be assessed in the same manner, and the amount so assessed shall be collected in the same manner, and the same proceedings shall be had in case of non-payment of the same, as in relation to the assessments for public improvements in said city, except as the common council may otherwise determine or direct.

SEC. 24. When the treasurer shall have levied on personal property for the non-payment of any tax or assessment in this act provided, he shall proceed to advertise and sell the same in the same manner and upon like notice, and make return of all money received therefrom, as is or may be required by the general laws of this State in the levy and sale of personal property for the non-payment of taxes by township treasurers.

Treasurer to advertise and sell personal property for taxes.

SEC. 25. The common council shall permit any person, who shall be the owner or agent of any tract, plat or addition within the limits of said city, to improve, grade, plank or pave any street lying within said tract, plat or addition, the cost of which, if improved by the order of the council, could be assessed against such lands: *Provided*, All such work shall be done under the superintendence of the board of public works, and shall, in all respects, conform to the established plan and grades for streets in said city.

Council to permit owner of plat to make improvements.

Proviso.

SEC. 26. Whenever any special assessment for the improvement of a street, or for any other public work, shall, in the opinion of the common council, be deemed invalid, the common council may vacate and set aside the same; and whenever any such special assessment shall be so vacated, or shall

When special assessment deemed valid.

be held invalid by the judgment or decree of any court of competent jurisdiction, the common council may cause a new assessment to be made. Such new assessment shall be made in the manner provided for making original assessments of like nature, and whenever the tax, or any part thereof, assessed upon any lot or parcel of real estate by the original assessment has been paid and shall not have been refunded, it shall be the duty of the assessor and controller to apply such assessment (upon the re-assessment) upon said lot or parcel, and to make a minute thereof upon the new assessment roll. All the provisions of this act making special assessments a charge against the persons assessed, or a lien upon the lots and parcels of real estate embraced therein, and also those relating to the collection and return of special assessments, shall, in like manner, apply to such re-assessment. No judgment or decree, nor any act of the council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed, for such an amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceedings might have been lawfully assessed thereon. And no defect, irregularity or omission in the proceedings for making the improvement or doing public work, to pay for which such special assessment is made, which occurred either before or after the letting of the contract therefor, shall affect the right of the city to re-assess the same upon the property benefited: *Provided*, The improvement or public work has been actually done or the liability therefor incurred. The provisions of this section and of section fifteen,

How new assessment made.

Lien upon premises assessed not to be destroyed.

Right of city to re-assess shall not be neglected.

Proviso.

Applies to special assessments.

of this chapter, shall apply to special assessments heretofore made in said city, and in the former cities of Saginaw and East Saginaw, as well as to those which shall hereafter be made.

Council to provide for the raising and use of highway fund.

SEC. 27. The common council shall have power, by ordinance, to sub-divide the city into streets or highway districts, and to provide for the raising and expenditure of a highway fund in each district separately, and to restrict the expenditure in the separate districts for highway purposes to the amount raised within the limits thereof.

City to be divided into two taxing districts.

SEC. 28. The said city is hereby divided into two taxing districts, to be denominated "the eastern taxing district" and "the western taxing district," the boundary between which shall be the center line of the Saginaw river, for the assessment of taxes for the following purposes, viz.:

Construction, etc., of sewers.

First, The construction, maintenance and repair of sewers and drains;

Opening, etc., streets.

Second, The opening, extension, grading, turnpiking, graveling, planking, macadamizing, paving or other improvements of streets, alleys and public spaces;

Construction, etc., of sidewalks.

Third, The construction and repair of sidewalks, and the cleaning and deepening of street ditches;

Maintaining, etc., of water works.

Fourth, The maintaining and extending of the water works system, situated in each taxing district: *Provided, however*, That the expenses of all such purposes shall be paid by the taxing district in which the improvement exists or is made, and so much of the cost thereof, as under the provisions of this charter, is or may be apportioned to the property benefited, shall be assessed exclusively upon property within the taxing district wherein the improvement is made. Whenever, under the provisions of this charter, bonds may be issued to provide for the payment of such improvement, the same shall be issued in the name of the city of Saginaw, and the faith and credit of the whole city shall be pledged for the prompt payment of both principal and interest to the holder. The common council shall, however, at the time of the passage of the resolution authorizing the issue of such bonds, expressly state the amount and the number of bonds separately which shall be issued to meet the cost of such improvements in the eastern district and in the western district respectively, and when sold, the proceeds of such bonds shall be paid into the appropriate separate funds of the eastern district and western district respectively, and shall be used only in the district for which the same are raised; and each taxing district shall stand charged with and shall pay to the city of Saginaw for all improvements made within its boundaries, and the bonds issued therefor, and shall not as a taxing district, be liable or pay for such improvements made in the other district, or the bonds issued therefor. To meet the cost of any said special improvement hereinbefore specified, and to enable the

Proviso.

Bonds to be issued in name of city of Saginaw.

Council to state number and amount of bonds.

Taxes and assessments to be raised to pay bonds.

city to pay the bonds issued therefor, or any other indebtedness incurred on account thereof, taxes and assessments shall be assessed, levied and collected in the manner provided in this charter, separately in said eastern district and said western district respectively, and when collected, shall be paid into the separate fund thereof, and be used and applied by the city in the extinguishment of the bonded or other indebtedness incurred in the making of said improvement within such district. If at the maturity of any bond issued by the city for such improvement, the separate special fund of the district to which it is chargeable shall be insufficient to pay the bond, the city shall advance to the special fund the additional amount required to meet the bond in full, and interest on such advance shall be charged to the special fund and credited to the city, at the rate of six per cent per annum, until the moneys so advanced are fully repaid, and the city shall be and is authorized from year to year to assess against and levy on all the taxable property within the proper taxing district, taxes to an amount sufficient to repay all such advances, with the interest thereon.

In case separate, special fund be insufficient to pay bond.

SEC. 29. All the present indebtedness, bonds or otherwise, of the former city of East Saginaw shall be exclusively charged upon and paid by the eastern taxing district; and all such present indebtedness of the former city of Saginaw, as it existed prior to the first Monday in March, eighteen hundred ninety, excepting the bonds issued for the construction of the Saginaw county court house, shall be exclusively charged upon and paid by the western taxing district. The payments of such indebtedness shall be provided for by taxes levied in the respective taxing districts, chargeable therefor at such times and in such amounts as the common council may by resolution direct; and all taxes or assessments collected in such respective taxing districts, shall be placed to the credit thereof in the proper fund of such district, and be used only for the purpose of paying and retiring the separate indebtedness thereof. The common council shall also have power, in its discretion, to re-issue bonds to retire all such indebtedness and the faith and credit of the whole city shall be pledged for the prompt payment of both principal and interest to the holders, and when issued, such bonds shall constitute a charge only on the district to pay the indebtedness for which the same were so issued.

What bonds to be charged to eastern taxing district.

How payment of indebtedness made.

Council to have power to re-issue bonds.

TITLE VII.

FIRE DEPARTMENT.

SECTION 1. The common council shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence

Council may establish, etc., fire department and maintain same.

of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom, and for this purpose to establish and maintain a fire department; to organize and maintain fire, hose and hook and ladder companies; to make and establish rules and regulations for the government of the department, the employés, the firemen and officers thereof, and for the care and management of the engines, apparatus, property and buildings pertaining to the department, and prescribing the powers and duties of such employés, firemen and officers.

Chief, how to be appointed.

SEC. 2. The chief of the fire department shall be appointed by the common council by ballot, in the manner provided in section five of title two, for the appointment of other officers; and shall be retained as such, so long as he shall remain competent and efficient in the performance of his duties, except upon a two-thirds vote of the common council. The said chief may be removed at any time for cause.

Term.

Committee on fire department.

SEC. 3. There shall be a committee of three (3) members of the common council, appointed by the mayor, to be known as the committee on fire department, who, together with the chief of the fire department, shall have the direct and immediate control and management of the fire department of the city of Saginaw, and of the property and apparatus belonging thereto. Said committee, together with the city controller, shall be empowered to make necessary purchase of horses, and make all necessary repairs to apparatus, to an amount not exceeding the amount appropriated and collected for the several purposes. Said committee shall have stated meetings at such times as the common council may prescribe by ordinance. Upon the recommendation of the chief of the fire department, said committee shall also have the power of appointing all firemen and members of the fire department, except the chief, who shall be retained as such, while they shall continue competent and efficient in the performance of their respective duties. Said committee shall have full power to try and determine all complaints against any member of said department, and to remove them, or any of them, summarily, or on conviction of insubordination, neglect of duty, incompetency or violation of any of the rules, regulations or ordinance governing said department. Said committee shall also have the power, upon the recommendation of the chief of the fire department, to make such changes in the positions held by any member of the department, either to promote him or place him in a subordinate position, as they may deem for the best interests of the department: *Provided*, Nothing herein contained shall be construed as shortening the term of any officer now holding office.

Powers and duties.

Meetings.

Committee to appoint firemen on recommendation of chief.

Committee to try and determine complaints.

Promotion in hands of committee.

Proviso.

TITLE VIII.

POOR DEPARTMENT.

SECTION 1. The common council shall appoint a director of the poor, who shall hold his office for a period of two years, and shall, with the committee on poor, have charge of all the indigent poor persons in the corporate limits of said city of Saginaw, and shall provide for their support as the common council may by ordinance direct. Said director and committee on poor shall possess such powers and authorities as provided for by ordinance, and by the laws of this State, in relation to the care of the poor.

Director of
poor, how
appointed.
Term, duties.

SEC. 2. Said director shall be under the direction and supervision of the committee on poor, and it is the duty of the committee on poor to see that all the provisions of the ordinances of said city, in reference to the support of the poor, shall be enforced; and if said director wilfully neglects and refuses to carry out the instructions received from said committee on poor, and the ordinance, it shall be grounds for preferring charges against said director before the common council for his removal.

Director to be
under super-
vision of com-
mittee on poor.

SEC. 3. The director of the poor shall receive such compensation as the common council may fix, and the common council may employ such assistants as it deems necessary to properly conduct said office.

Compensation.

TITLE IX.

PUBLIC HEALTH.

SECTION 1. The common council shall have power, and it shall be their duty to adopt measures for the preservation of the public health of the city, to restrain or prohibit the exercise of any unwholesome or dangerous avocation within the limits thereof; to regulate and prescribe, by ordinance, the location of all barns, stables and privies within the city; to establish a board of health, and to invest it with all such powers, and to impose upon it such duties as shall be necessary to secure the inhabitants of said city from contagious, malignant and infectious diseases, and to provide for its proper organization, and for the appointment of proper officers; to make all such by-laws, ordinances, and regulations for the government of such board of health, and for the preservation of the health of the inhabitants of the city, as shall secure a prompt and efficient discharge of the duties imposed upon the common council by this act.

Council to
adopt measures
for the preser-
vation of the
public health.

Board of health
to be appointed,
duties.

Council to have power to enact ordinances for preservation of public health.

Expense of cleaning, etc., to be assessed to lands charged.

Further powers of council in relation to public health.

SEC. 2. The common council shall have power to pass and enact such by-laws and ordinances as they, from time to time shall deem necessary and proper for the filling up, draining, cleansing, cleaning, regulating any grounds, yards, basins, slips or cellars within the said city that shall be sunken, damp, foul, encumbered with filth and rubbish, or unwholesome, and for filling or altering and amending all sinks and privies within the said city, and for directing the mode of constructing them in future, and to cause all such work as may be necessary for the purpose aforesaid, and for the preservation of the public health and the cleanliness of the city, to be executed and done at the expense of the city corporation, on account of the persons, respectively, upon whom the same may be assessed, for that purpose by proper ordinance, to cause the expenses thereof to be estimated, assessed and collected, and the lands charged therewith to be sold in case of non-payment, in the same manner as is provided by law with respect to other public improvements within said city; and in all cases where the said by-laws or ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots in respect to which such expenses shall have been incurred, shall be briefly described in the manner required by law in the assessment roll for the general expenses of the city, and the sum of money assessed to each owner or occupant of any such house or lot, shall be the amount of money expended in making such improvement upon such premises, together with a ratable proportion of the expenses of assessing and collecting the moneys expended in making such improvements.

SEC. 3. The common council shall have such further powers and duties, in relation to the public health of said city, as are conferred by the provisions of chapter fourteen, of act number one hundred seventy-eight, of the session laws of eighteen hundred seventy-three, entitled "An act for the incorporation of cities," being subdivision fourteen, of chapter eighty, of I Howell's Annotated Statutes, and the acts amendatory thereof, and such further powers and duties as are now, or may hereafter be, conferred by the general laws of the State upon the board of health of townships or incorporated [cities] villages.

TITLE X.

SEWERS AND DRAINS—CONSTRUCTION, MAINTENANCE, ASSESSMENTS.

Board of public works to have the exclusive management of sewers.

SECTION 1. The board of public works shall have exclusive superintendence and management of all sewers, drains or pools now constructed, or to be constructed, and shall make all rules and regulations relative to the construction, use and preservation of sewers and all private drains entering sewers.

If any person shall, in constructing any private drain, or making any connection with a sewer, neglect or refuse to follow and conform to such regulations, the said board may cause such work to be done in accordance with such rules and regulations, and the costs thereof shall be certified by the board to the assessor, and such costs, when certified to the assessor, shall be a lien on the land or premises using such drain or connection with a sewer, and the assessor shall assess the same upon the owners of such premises in the next annual tax roll, in the sewer bond and interest column thereof, and it shall be collected and paid as provided for the general taxes.

In case of neglect or refusal to follow regulations of board.

SEC. 2. The current cost of altering, repairing and cleaning sewers and drains, and all incidental expenses of management, shall be estimated by the board of public works, who shall report to the common council on or before the second Monday of April in each year the amount so estimated and required for the next ensuing year, and when the same is approved by the common council, shall be assessed by the assessor upon the real and personal property in the city of Saginaw, and included in the next annual tax roll of said city, placed in the highway fund column, and when collected, placed to the credit of the highway fund of the proper taxing district.

Cost of repairing, cleaning, etc., to be estimated, assessed.

SEC. 3. The permanent sewerage plan heretofore adopted in East Saginaw and Saginaw City shall remain, but the board of public works shall have the power from time to time to make such plans for changes therein, or extension thereof, or such additional plans for drainage and sewerage, as the public interests may require; but all plans, changes and extensions shall be devised with a view to establish and maintain a regular system. All plans shall show the location, direction and size of each drain and sewer, whether mains or laterals, and connections with other drains and sewers, and such other particulars as may be necessary to present a complete plan of drainage and sewerage for the city, or that portion of the same designed to be embraced in the plan.

Permanent sewerage plan heretofore adopted to remain.

Regular system to be maintained.

SEC. 4. Whenever the board shall have prepared any plan of additional drainage or sewerage, or for extension or changes in the existing plans, the same shall be submitted to the common council, and upon its being adopted and confirmed by that body, and certified to by the city clerk and said board, shall be filed in the office of the register of deeds of Saginaw county, whereupon the plan, or any part thereof, therein set forth, shall become the permanent plan of sewerage of said city, subject to be changed only by the unanimous recommendation of said board and the votes of two-thirds of the members of the common council, certified and filed as herein provided.

Plan of drainage, sewerage, etc., to be submitted to the council to be confirmed.

When confirmed how changed.

SEC. 5. The said board shall, in the month of March in each year, report to the common council what public sewers or drains they deem necessary to build in the ensuing year, and

Board to report to council in March in each year.

shall accompany the report with an estimate of the cost of each and all such drains and sewers, and the said board may also, after the month of March in each year, bring in a supplemental list of sewers to be built.

Council to decide what sewers, to be built.

Board to advertise for proposals.

SEC. 6. The common council shall decide what public sewers and drains of those reported by the said board, in accordance with such sewerage plan, shall be built, and shall, through the city clerk, notify the board of their decision, and said board shall proceed to advertise for proposals, except as herein otherwise provided, to build the sewers and drains ordered to be built by the common council, under such specifications and forms as said board shall deem necessary in manner and form required by the act incorporating said board of public works.

Restrictions on said board.

SEC. 7. Said board shall not lay down or construct any sewer or drain in said city, or purchase any material or enter into any contract, except as herein provided, except in case of any unexpected casualty or damage to the sewers or drains of said city, in which case said board may cause the same to be repaired to an amount not exceeding five hundred dollars.

Council may declare the amount to be raised for sewers in each taxing district not to exceed a certain amount.

SEC. 8. To meet the [expense] expenses of the construction of sewers in the eastern and western taxing districts of said city, in anticipation of the collection of assessments and taxes to defray the cost thereof, the common council may, by resolution, with the approval of the board of estimates, declare the amounts necessary to be so raised for sewers in each taxing district separately, and by like resolution authorize and direct the mayor, controller and clerk of said city to borrow a sum not exceeding sixty thousand dollars in any one year, and for that purpose to issue the bonds of the city, bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, and to pledge the faith and credit of the whole city for the prompt payment of the principal and interest to the holder thereof, as provided in section twenty-eight of title VI:

Proviso.

Provided, That the total amount of the bonds which the common council is thus authorized to issue, shall not exceed two hundred and twenty-five thousand dollars outstanding at any one time. The common council whenever any such amount is to be raised, may authorize that the bonds shall run for a period of not less than five nor more than ten years; and the amount of bonds which may be issued for such purpose shall be made payable in five or more years in equal annual parts as ordered by the common council, all to be endorsed "sewer bonds," and numbered consecutively. Said bonds shall not be sold for less than their par value, and the proceeds of the same shall be paid to the city treasurer, and be by him placed to the credit of the separate sewer fund of the proper taxing district. All such bonds shall be paid at maturity, and the common council shall not have power to authorize the re-issue of such bonds, or of bonds to take up said original bonds. The amount and number of

Terms of bonds made payable.

Bonds not to be sold for less than par.

Bonds to be paid at maturity council shall not authorize re-issue of bonds.

the bonds issued for each taxing district shall be specified. The proceeds shall be paid into the separate fund of each, and the respective districts shall be separately taxed and pay for the cost of such sewers within their respective limits, and the said bonds issued therefor, and for all advances made by the city for interest or principal thereof, all in the manner and form as provided in section twenty-eight of title VI.

SEC. 9. The assessment for the cost of the construction of lateral sewers shall be made by the city assessor and collected by the city treasurer, in the manner herein provided for making and collecting special assessments for street improvements.

Assessment,
how made.

SEC. 10. The common council shall have power by resolution to determine either before or after construction, that the whole or any part of the cost of any lateral sewer, and that the whole or any part of that proportion of the cost of any main sewer, which in the opinion of the common council shall equal the cost of a twelve-inch lateral sewer, shall be assessed upon the property especially benefited thereby in proportion to the benefit derived by such property from the construction of said sewer, and to direct such special assessment to be made by the city assessor.

Council shall
have power by
resolution to
determine what
part of cost to
be assessed to
property
benefited.

SEC. 11. When the common council have made this determination as to the proportion of the cost of any main or lateral sewer, which shall be specially assessed upon the property benefited, they shall fix an assessing district, and their action in respect thereto shall be duly certified to the city assessor, who shall as soon as may be thereafter, proceed to make an assessment according to such order of so much of the cost of said improvement as may have been ordered specially assessed, upon all property specially benefited, in proportion to the benefit and advantage which each description of property is by him deemed to receive from the construction of said sewer. He shall cause diagrams to be made, which plans shall be furnished by the city engineer, showing the property assessed, and the names of the owners thereof, when known, and when such assessment is made, the city assessor shall submit the same to the common council. Upon the submission as aforesaid, the clerk of the city shall cause notice of the same to be published in the official newspaper of the city, for three successive times, that the common council will on such a day as they shall appoint, proceed to hear any appeals from the said assessments.

When council
have made de-
termination,
the city as-
essor shall make
the assessment
according to
order.

He shall cause
diagrams to be
made showing
property as-
sessed.

SEC. 12. At the time appointed for that purpose, and such other time as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment in whole or in part, or may set the same aside and direct a new assessment; or the said com-

Council to hear
complaints of
assessments,
may rectify
and amend
the same.

May ratify and confirm assessment without correction.

When assessment for construction of sewers have been confirmed, roll to be deposited with controller.

Assessor to divide assessment into five equal parts.

Council to require certain money to be assessed and raised.

Where such assessments to be spread.

Premises may be sold for taxes.

mon council may ratify and confirm such assessment without any corrections or with such corrections therein as they may think proper. And the common council may confirm and approve all or any number of said rolls upon a single roll call, unless some member of the common council objects, and in case of such objection being made, the several rolls so objected to shall be voted upon separately. When any such assessment for the construction of sewers shall have been confirmed by the common council, the assessment roll shall be attested by the city clerk, under seal, and it shall be deposited with the city assessor, who shall be responsible for its safe keeping, and a copy of said roll, certified by the clerk of said city, shall be deposited with the controller and remain in his office. The assessor shall divide such assessment, on all sewers hereafter ordered, into five or more equal parts, as may be fixed by resolution of the common council, one of which, together with interest at the rate of not to exceed six per cent for one year upon all sums remaining unassessed, shall be placed in the annual tax roll, in the sewer column thereof, upon and opposite the description of property described in said sewer assessment roll, in each year thereafter, until the same is all assessed upon said annual tax rolls.

SEC. 13. On or before the first Monday in May in each year, the common council shall ascertain and determine the amount required over and above the collections made or anticipated to be made therefor from the special assessments levied in the respective taxing districts under the provisions of sections eleven and twelve of this chapter, to meet and pay the sewer bonds of said city, and the annual interest thereon theretofore issued for the benefit of the respective taxing districts of said city, and maturing in the year following the first day of July then next ensuing, and shall upon the approval thereof by the board of estimates, as in this act provided, cause the amount so required to be raised in each taxing district respectively, to be certified to the assessor of said city, to be by him assessed upon all the property, real and personal thereof. Such amounts the assessor shall spread on the annual tax roll, in the sewer bond and interest fund column thereof, upon the real and personal property of the proper taxing district of the city, and such taxes, when so assessed by the assessor, shall become a lien upon the premises assessed, the same as any other city taxes, and so remain until paid, and the payment thereof shall be enforced and collected in the same manner as the annual taxes of said city, and for non-payment thereof the premises may be sold in the same manner as for other taxes levied in the said city, and when so collected shall be placed to the credit of the sewer bond and interest fund of the proper taxing district, and shall be applied to the payment of the interest on said sewer bonds, and the principal of said bonds, as they shall fall due, or

re-payment to the city of moneys advanced to pay the same, or for investment as provided for in this act, and for no other purpose.

SEC. 14. After payment into the treasury of any money received for assessment or taxes under the sewerage system, the city treasurer shall, under the direction of the mayor and controller, invest such sums not required to pay expenditures, interest or bonds during the present year in bonds of the United States, or of this State, or purchase therewith unmatured sewer bonds, or other bonds of said city, as may be most expedient or beneficial to the city.

Treasurer to invest certain moneys.

SEC. 15. In case said board of public works, shall in devising and framing a plan of sewerage and drainage, find it necessary to construct a sewer through any private property, and such sewer or drain cannot be constructed so as to properly drain any portion of said city without carrying the same through such private property, not opened as public, it shall be lawful for said board, or a majority of them, to present a petition to the common council for appropriating said property, and said common council shall proceed to open the same, as hereinafter provided.

Board may petition council to appropriate private property.

SEC. 16. The said board may prescribe regulations for the use of said sewers, and may license persons to open the same. And whenever the common council shall order any portion of any street to be paved, re-paved or otherwise improved, and the owner and occupant of any block, parcel or subdivision of land, fronting thereon, shall upon notice in accordance with the ordinance of said city, fail to connect said premises with the public sewer in said street as now or hereafter required, said board of public works may cause such connection to be made, and the pipe carried to the curb line of said street, and the labor and material furnished therefor may be charged against said property, and shall be assessed against the same in the same manner and with the same force and effect as is now or may hereafter be provided by the ordinances of said city, and by title six of the charter for making special assessments.

Board may prescribe regulations for use of sewers.

When board may construct sewer connection and charge same to city.

SEC. 17. Whenever necessary, private property may be appropriated for the purpose of laying out, constructing, extending or enlarging any public sewer or the outlet thereof, under and pursuant to the provisions of act No. one hundred twenty-four of the session laws of eighteen hundred eighty-three, entitled "An act to authorize cities and villages to take private property for the use or benefit of the public, and to repeal act No. twenty-six of the public acts of eighteen hundred and eighty-two," approved May thirty-first, eighteen hundred eighty-three, or under or pursuant to any general law of the State which may hereafter be enacted.

When necessary private property may be appropriated.

TITLE XI.

POLICE DEPARTMENT.

Council to ap-
point board of
police commis-
sioners.

Powers and
duties of board.

City clerk to be
clerk of board.

Commissioners
not to receive
any compen-
sation.

Board may
subpoena wit-
nesses, issue
warrants.

Board to ap-
point chief of
police and
other police-
men.

When may ap-
point extra
police.

SECTION 1. The common council, upon the nomination of the mayor, shall appoint four suitable persons, citizens of said city, no more than two of whom shall belong to the same political party, who, with the mayor, shall constitute a board of police commissioners for the city of Saginaw; the commissioners so appointed shall hold office for the period of four years; the common council upon the nomination by the mayor thereafter shall annually appoint one commissioner to hold for the term of four years. Said board, or a majority of them, shall have full power to try and determine all complaints against the marshal or any policeman or watchman of the city, and to remove them or any of them summarily or on conviction for insubordination, neglect of duty or violation of any of the ordinances or rules and regulations, or violations of any law of the city or State made, or hereafter to be made, for the government of the police department of the city of Saginaw. The city clerk shall be clerk of said board and shall keep its record, and shall cause the proceedings of said board to be published in the official paper of said city within five days after each session: *Provided, however,* That no part of said proceedings, relating to the detective work of said department need be published. Said commissioners shall receive no compensation, and they may be removed for the same causes, and upon the same proceedings as a member of the common council. In case any vacancy occurs, the common council shall appoint, upon the nomination of the mayor, some person to fill the unexpired portion of the term.

SEC. 2. Such board when convened for the purposes mentioned in the preceding section, shall be vested with full power to subpoena witnesses, issue warrants to compel the attendance of witnesses, administer oaths, take and record testimony, and to do such other acts as may be lawful to be done by any court for the purposes mentioned in section one of this title.

SEC. 3. The said board of police commissioners shall have power to appoint a chief of police, and other officers, and such number of policemen with pay not to exceed the amount appropriated therefor, and such number of watchmen without pay, as said board shall deem expedient. In time of special emergency, or apprehended danger from riot or other cause of alarm, said board may appoint as many patrolmen, with or without compensation, as they may deem expedient. They shall also appoint a keeper of the city prison or prisons. But no person shall be appointed to any position by said board who is not a citizen of the United States, and who has not resided

in said city at least five years next preceding such appointment.

SEC. 4. Said board shall assume and exercise the entire control of the police force of said city, and shall possess full power and authority over the police organization, government, appointment and discipline within said city. It shall have the custody and control of all public property, books, records and equipments belonging to the police department.

Board to exercise full control of police force.

SEC. 5. Any member of the police force appointed by said board, shall, before entering upon the duties of his office, make and file with the clerk of said board, the official oath provided for in this act. After filing said official oath, the policeman so appointed shall possess all the common and statutory powers of constables and sheriff, except for the service of civil process, and conveying prisoners under sentence to any place in the city of Saginaw. They shall have the power to serve any subpoena, warrant, order, notice, paper or process issued or directed by any justice of the peace, judge, court or officer in criminal cases of the State of Michigan, in the execution of the laws of this State, for the prevention of crimes and the punishment of offenders, or the police laws and regulations of the city or State, in any proceeding collateral to or connected with the execution of such general laws, police laws, ordinances, and regulations in any part of this State without backing or endorsement from any other magistrate or officer of this State; they shall have the exclusive power, and it shall be their duty to serve all summons, subpoenas, warrants, commitments, orders, notices, papers, processes whatever, issued out of the recorder's court, or by the police court in all criminal cases, and in all civil cases wherein said city is a party in any proceedings, except as herein otherwise provided, and shall be detailed by the proper officer to attend, instead of the sheriff, deputy sheriff or constables, the said recorder's court and the police court, whenever said court is engaged in the trial of criminal cases, or civil cases wherein the said city is a party. For the time engaged in active service, each member so engaged shall be paid such salary as shall be recommended by the board and approved by the common council. Said board shall recommend annually, but the common council shall have the power to fix and shall fix the compensation of the chief of police and other appointees of said board, and all claims for the same and all accounts allowed by said board shall, (except as provided in section eight of this title) when certified by the board, be submitted to the common council for allowance and payment in the same manner as other claims against the city.

Member to file oath.

Powers and duties.

Compensation.

Salary to be fixed by council.

SEC. 6. It shall be the duty of said board, and of the police force hereby constituted, at all times of the day and night, within the boundaries of the city of Saginaw, to preserve the public peace and prevent crimes, and arrest offenders; to protect rights of persons and property; to guard the public health;

Duties of board and police force.

Expense of pursuing, etc., offenders to be audited by whom.

Board to remove nuisances.

No member of board or force shall receive present, fee.

to preserve order; to enforce all the laws of the State, and all ordinances of the city, and all orders and resolutions of the common council of said city. The expense of pursuing, apprehending, examining, trying and committing offenders against any law of this State, in said city, including the time spent in pursuit or apprehension, and of their confinement, shall be audited and paid by the supervisors of the county of Saginaw, in the same manner as if such expenses had been incurred in any township of said county, and the clerk of the board of supervisors shall immediately, on the allowance of any such claim in favor of any member of the police force of this city, notify the controller of the same, with the name of the officer to whom allowed, and the amount of such allowance. It shall be the duty of said board to remove nuisances existing in public streets, roads, places and highways; to report all defects in streets, sidewalks, bridges and other public places, leaks and defects in water pipes and sewers to the proper authorities; to provide a proper force at every public fire, in order that thereby the firemen may be protected in the performance of their duties, and property preserved for the owners thereof; to protect strangers and travelers at steamboat and ship landings, and railway stations; and generally to carry out and enforce all ordinances of the city and laws of the State. Whenever any crime shall have been committed in said city, and the person or persons accused or suspected of being guilty shall flee from justice, the said board of police commissioners may, at their discretion, authorize any person to pursue and arrest such accused or suspected person or persons, and bring them before the proper court for trial or examination.

SEC. 7. No member of the board of police commissioners, or of the police force, shall receive or share under any pretense whatever in any present, fee, gift or emolument for police service, other than the regular salary and pay, except by the unanimous consent of said board, and it shall be the duty of every member of said board, and of the police force, to return to the clerk of said board (to be disposed of as hereinafter provided) every present, fee, gift or emolument received by him; and all moneys and proceeds of property received from this source, shall be disposed of by said board as if the same had been paid or given for extraordinary services, as prescribed hereafter in this title. Nor shall any member of said force receive or share in any fee, gift, emolument or reward from any person who may become bail for the appearance of any arrested, accused or convicted person, or who may become surety for any such person on appeal from the judgment or decision of any court or magistrate, or any fee, gift or reward, in any case, from any attorney at law who may prosecute or defend any person arrested or prosecuted for any offense within the county of Saginaw, nor shall any member, either directly or indirectly, interest himself, or interfere in any manner whatever, in the

employment or retainer of any attorney to aid in the defence of any person arrested or accused; and for any violation of either of the foregoing provisions, the member so offending shall be immediately removed from office.

SEC. 8. All rewards, fees, proceeds of gifts or emoluments that may be allowed by the board of police commissioners to be paid or given for or on account of any extraordinary services of any member of the police force, unless otherwise appropriated by the board, and all moneys arising from the sale of unclaimed goods, or otherwise received by said board or member of said police force, shall be paid to the city treasurer and credited to the general fund of the city. The said board may, whenever they deem it necessary for the proper and efficient police regulations in said city, direct the city treasurer to transfer to the police fund and to pay out of said police fund, for the pursuit or arrest of fugitives from justice, such sums, and to such persons as they shall direct, upon orders drawn by the clerk of said board, and countersigned by the president thereof and the chief of police: *Provided*, The sum or sums so paid out shall not exceed the sum of three hundred dollars. Said fund shall at all times be kept full, and said board shall not pay out any money for any other purpose.

All money allowed for extra services to be paid into city treasury.

Sums may be paid for the pursuit and arrest of fugitive.

Proviso.

SEC. 9. If any member of the force, or if any two or more householders shall report in writing under his or their signatures to the chief of police of said city, that there are good grounds (which shall be stated in said report) for believing any house, room or premises within said city, to be kept or used as a common gaming house, common gaming room or common gaming premises for therein playing for wagers of money at any game of chance, or to be kept or used for lewd and obscene purpose and amusements, or the deposit and sale of lottery tickets or lottery policies, or as a cock pit, or for harboring criminals, or for concealing stolen property, or for carrying on any trade or occupation, or calling, practice or act prohibited by law, it shall be lawful for the said chief of police to authorize in writing any member or members of the police force to enter the same, who may forthwith arrest all persons there found offending against the law, or aiding or abetting in such offence, but none others, and seize all implements of gaming or lottery tickets or lottery policies, and convey any persons so arrested before a magistrate having jurisdiction in said city, and bring the articles so siezed. It shall be the duty of the chief of police to cause such arrested person to be prosecuted vigorously, and if the magistrate shall find that the articles so seized were used, or intended to be used, in gaming or for any other unlawful purpose, he shall order the same to be destroyed.

Search warrant may be issued on report of two householders in writing.

May arrest offenders and seize property.

SEC. 10. No member of the police force, under penalty of forfeiting the pay which may be due to him, shall withdraw or resign from the police force, unless he shall have

No member can resign without giving one week's notice.

given one week's notice thereof, in writing to the chief of police and no person who shall withdraw or resign without giving such notice, or who shall have been removed from the police force for cause, shall be reappointed by the board of police to any offices in the said police force, except on unanimous vote.

Property or money seized, to be kept by clerk of police station.

SEC. 11. All property or money seized by the members of the police force, on suspicion of having been feloniously obtained, or of being the proceeds of crime; also all property coming into possession of said police by finding or otherwise; and all moneys or property taken by any member of said force from any intoxicated or insane person, or person otherwise incapable of taking care of himself, shall be forthwith delivered to the clerk of the police station, and by him registered in a book kept for that purpose, together with the name of the owner, if ascertained, time and place, when and where found or taken, and the name of the officers by whom found or taken. And in the case of all lost money or property, or property or money seized upon suspicion of having been feloniously obtained, or being the proceeds of crime, the said clerk shall, within five days after seizure or finding of the same, post up at the police headquarters of said city a notice describing briefly the property seized or found, and the date, place and circumstances of finding or seizure. And all such property and money shall be retained by said clerk, irrepleviable until disposed of as hereinafter provided. Any member of the said police force who shall neglect or refuse to deposit with the clerk of said police station the property taken or found, as hereinbefore provided, shall be guilty of a misdemeanor, and upon conviction, fined a sum not less than the value of the property taken or found, nor exceeding one thousand dollars and imprisonment not exceeding one year.

Penalty for refusing to deposit with clerk.

Moneys, etc., seized to be disposed of as follows.

Be restored to owner.

SEC. 12. The moneys and property seized, taken or found, under the provisions of section XI, shall be disposed of as follows:

First—All money and property taken from an intoxicated or insane person, or person otherwise incapable at the time of taking care of himself, shall be restored to such person, or his proper legal representatives, as soon as the immediate necessity for such seizure, on account of the intoxication or incapacity of such person has ceased.

Lost property to be returned to owner on sufficient proof and bond.

Second—All lost property, the ownership of which may be unknown, shall remain in the hands of the clerk of said police station, until satisfactory proof, under oath, by any claimant shall have been made and filed with said clerk, together with the bond hereinafter provided for.

Money feloniously obtained to be held until offender is tried.

Third—All property or money taken on suspicion of having (been) feloniously obtained, or of being the proceeds of crime, shall remain in the custody of said clerk until such time as the person, from whom the same may have been taken, shall have

been tried and said cause determined, and the court before which such person shall be tried shall have authority, upon a proper hearing of the accused, and of all other claimants to said property, to make such order for the restoration thereof, as the proof respecting the ownership of said property may require. If no order for the restoration thereof be made, said property within ten days after the acquittal of the person from whom the same may have been taken, shall be restored to him: *Provided*, That any claimant of property or money whether lost or seized on suspicion of having been feloniously obtained, or of being the proceeds of crime, shall, before delivery to him of such property or money, execute and deliver a bond, with two good and sufficient sureties, to be approved by the clerk of said police station and chief of police, with penalty double the amount or value of said property or money, running to the clerk of said board, or his successor in office, and conditioned that such claimant, to whom said property or money shall be delivered, will, upon demand, restore the same or make payment of the full value thereof to the true owner of said money or property, who may at any time thereafter, by proper proceedings in any court of competent jurisdiction, establish his title thereto.

If acquitted
property to be
restored.

Proviso.

SEC. 13. In each year, at the June term of the recorder's court for the city of Saginaw, the clerk of said board shall present a petition, praying that all such property and moneys as have remained in the hands of the clerk of the police station unclaimed, for a period of six months or more, preceding that date, be condemned and sold and the proceeds thereof paid into the general fund. Upon filing such petition, said court shall make an order, briefly describing the property, stating

When clerk of
board to peti-
tion court to
sell property.

Order of court,
what to con-
tain.

ereof has been
all persons in-
wise, to appear
of said court,
should not be
paid into said
iod of not less
nd at the time
and upon due
all proceed, un-
and order sale
ereof into said
r to direct the
such sale, the
v, shall not be
, to any person
y of such prop-
ation and sale

Order to be
published.

Property to be
sold.

Board may require security to be given by whom.

SEC. 14. The board of police commissioners shall require and make suitable provisions concerning security to be entered into by the chief of police, the captain of police, and the clerk of police station, and said board in their discretion, may require security from any member of the force, conditional for the performance of duty, involving the care and disposition of property.

Who to be deemed disorderly persons.

SEC. 15. Any person who has no trade or occupation at which he or she actually labors, and has no visible means of support, or frequents houses of ill-fame, or places where gaming for money is carried on, or any person who having been convicted and imprisoned for any offence by any court in this State, who has no trade or occupation at which he or she actually labors, or frequents houses of ill-fame or gaming, or who shall be drunk or intoxicated, or who shall make, aid, countenance or assist in making any loud noise, riot or disturbance or improper diversion; or who shall use any indecent, criminal or insulting language; or who shall be guilty of any indecent, vulgar or criminal conduct; or who shall collect in bodies or crowds, to the annoyance, hinderance or distrubance of citizens or travelers. And all persons who shall carry, concealed on or about their persons, any pistol, revolver, bowie knife, dirk, slung shot, billie, sand bag, false knuckles or other dangerous weapon; or who shall lay in wait, lurk or be concealed, with intent to do injury to any person or property; or who shall threaten to beat or kill another, or injure him in his person or property; or who shall contend with hot and angry words, to the disturbance of the good order and peace of said city, shall be deemed a disorderly person, and upon conviction thereof may be punished by a fine not exceeding one hundred dollars and the costs of prosecution; and in the imposition of any such fine and costs, the court may make a further sentence that in default of the payment thereof, such offender be imprisoned in the city prison of said city, or the county jail of Saginaw county, for any period of time not exceeding ninety days, or the court may impose both such fine and costs and imprisonment, in the discretion of the court having jurisdiction thereof.

Penalty.

TITLE XII.

BOARD OF PUBLIC WORKS.

Board of public works created.

SECTION. 1. There shall be created and constituted a board of public works in and for the city of Saginaw, composed of seven members who shall serve without pay, who shall be citizens and residents of the city of Saginaw, no more than four of whom shall belong to the same political party. They shall be nominated by the mayor and confirmed by the common council of the city of Saginaw, on the first Monday of June, or as soon thereafter as may be, in the year eighteen hundred

ninety-seven; the members composing said board shall be appointed and hold their office as follows. Two for the term of one year; two for the term of two years; two for the term of three years; one for the term of four years from the date of their appointment; and the mayor shall annually thereafter nominate members of said board for a period of four years, who shall be confirmed by the common council. Four of said members shall reside on the east and three on the west side of the Saginaw river. The members appointed under this act shall, within ten days after the date of their appointment, or such further time as the common council may fix, meet and organize said board of public works, by the election of one of its members president. And the common council shall thereupon, and at all times thereafter, provide said board with suitable office room for its meetings and business, and supply record books, stationery and other things necessary for the transaction of the public business in charge of said board, and provide for the payment in like manner as other accounts against said city, of all necessary and lawful accounts incurred by said board.

Term of office.

SEC. 2. Said board of public works shall (after the said public improvements have been first duly ordered by the common council) have supervision and charge of the construction and repairs of all sidewalks, crosswalks, culverts, bridges, docks, fountains and reservoirs; the construction, repair and extension of all main and lateral sewers and drains; the erection, alterations and repair of all engine houses, police stations, city halls and other public buildings of every description in said city, except school houses: *Provided, however,* That repairs on said buildings, not exceeding in cost the sum of twenty-five dollars, may be made by the controller; the deepening and cleaning of ditches and gutters, the cleaning, repairing, grading, paving, repaving, planking, graveling or covering with other material of all streets in order, and alleys; the laying out and improvement of all parks, cemeteries and grounds. Examine and consider all matters relative to supplying the city of Saginaw with a sufficient quantity of pure and wholesome water for the use and convenience of all the inhabitants of said city, to be obtained from the Saginaw river, Tittabawassee river, or such other place or source of supply as may be deemed expedient, and as may be approved by the common council, and to plan, manage and construct such water works as to provide for an ample supply to protect said city against fire and for other public or sanitary purposes, as the best interests of said city and its inhabitants may seem to require, and perform such other duties in the superintendence, construction and care of public works and improvements, as the common council may from time to time direct.

Board of public works to have supervision and construction of sidewalks, crosswalks, culverts, bridges.

Proviso.

SEC. 3. Said board shall, from time to time, cause to be assessed the water rate to be paid by the owners or occupant of each lot, house or building having or using water, upon

Water rate to be assessed.

To be a lien on premises.	such basis as they shall deem equitable, and such water rate shall become a continuing lien until paid upon such house or other building, and upon the lot or lots on which such house
Proviso.	or building is situated: <i>Provided</i> , When water is furnished a tenant, said board shall cause notice to be served on the owner of such lot or building, within thirty days after default on the part of the tenant to pay such water rate, or no such lien shall attach.
Board to have power to collect water rate.	Said board shall have full power to make and enforce all necessary by-laws, rules and regulations for the collection of the water rates, either by appointment of collector to demand the same, requiring payment to be made to the treasurer of the city of Saginaw, and shall shut off the water, or by a
Board to make annual report to council.	suit at law, before any court of competent jurisdiction. It shall be the duty of said board on or before the last Monday in April in each year to make a report in writing to the common council of said city, what, if any, sum of money, in the judgment of said board, will be needed over and above the revenue of said board, to meet the payment of interest or principal on bonds issued, and other current expenses, and the
Council to raise necessary money.	common council may upon the approval of the board of estimates raise any sum not exceeding one-half of one per cent. upon the assessed valuation of property in said city, as shown by the last preceding assessment roll, which it deems necessary for such purposes, by tax, upon the proper taxing district, in the same manner as general taxes to be designated a water
Money may be raised by council.	tax. If any sum of money is needed over and above the revenue of said water works, to meet the payment of interest or principal of bonds issued, and other current expenses, of said water works the common council may upon the approval of the
Limit.	board of estimates, raise any sum not exceeding one-half of one per cent. upon the assessed valuation of property in said city, as shown by the last preceding assessment roll, which it deems necessary for such purposes, by tax, upon the proper taxing district, in the same manner as general taxes, to be designated a water tax.
Council to furnish building, machinery.	SEC. 4. The said board shall have power from time to time, by and with the consent of the common council, to purchase such lands, erect such buildings and supply such machinery, reservoirs, pipes and fixtures as may be required for the proper maintenance, operation and extension of the water supply of said city.
Council to be vested with the title to water works.	SEC. 5. The consolidated city is hereby vested with the title to all existing water works, machinery, pipes, buildings and appurtenances of every kind heretofore belonging to the city of Saginaw and the city of East Saginaw, and shall assume and pay by the respective taxing districts all the indebtedness, bonded or otherwise, outstanding or incurred therefor, and to meet such bonded indebtedness the common council shall have power to create a sinking fund by the assessment, levy and collection annually of a tax therefor, not ex-
Council may create sinking fund.	

ceeding forty thousand dollars, and in case the fund so collected is not adequate to meet and pay the said bonded indebtedness as the same matures, the common council shall have power to issue the bonds of the consolidated city, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, to be styled water refunding bonds, and to pledge the credit of the whole city for the prompt payment of the principal and interest to the holder, as provided in section twenty-eight, title VI, and to sell and dispose of the same at the best obtainable price, and with the proceeds thereof to pay and retire all maturing bonds. To meet the cost of the maintenance and extension of the present system in excess of the revenue derived from the works, the common council shall also have power to issue and negotiate bonds to be styled water bonds, bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, not exceeding fifty thousand dollars in amount in any one year, and to pledge the faith and credit of the city for the payment thereof, both principal and interest, to the holder, pursuant to section twenty-eight, title VI. The common council shall specify by resolution the amount of such bonds, or of such water refunding bonds separately, which may be issued to retire the existing bonded indebtedness of said eastern taxing district, or of said western taxing district, as the case may be, and also the amount of such water bonds separately as may be issued to meet the cost of the maintenance and extension of the water works system in said respective taxing districts. The par value of the water refunding bonds issued by the consolidated city, shall be charged against the district, the bonds of which they are issued to retire, and such taxing district shall be separately taxed and pay the interest and principal of such water refunding bonds, all in manner and form as provided in section twenty-eight, of title VI. The proceeds of water bonds issued under the authority of this section, shall be paid into the separate funds of the respective districts, and such district shall be separately taxed, and shall pay for the cost of the extension and maintenance of its water works system, and of the said water bonds issued therefor, all in manner and form as provided in section twenty-eight, of title VI. None of said water bonds shall be sold for less than par value.

Council may
issue bonds.

Council may
issue water
bonds.

Council to
specify amount
of bonds.

Where proceeds
of water bonds
to be paid.

SEC. 6. Any person who shall wilfully do or cause to be done any act whereby any work, materials or property whatsoever erected or used within the city of Saginaw or elsewhere by said board, or any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall in any manner be injured, or shall wilfully pollute the water, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished therefor as other misdemeanors are punished.

Any person in-
juring said
works to be
guilty of a mis-
demeanor.

Any person
who shall tap
main or log.

Penalty.

Uniform fee
to be charged
for making
private con-
nections.

Compel owner
to make con-
nection when
street to be
paved.

Council shall
declare by reso-
lution when
to make any
improvement.

Board of public
works to adver-
tise for pro-
posals.

SEC. 7. If any person shall, without the authority of said board, as delegated through them or their agents, perforate or bore, or cause to be perforated or bored, any distributing pipe or main, lateral or log, belonging to the water works of said city, or make, or cause to be made, any connection or communication whatever with the said pipes or logs, or break or in any way injure the same, every person so offending shall, for each offense, forfeit a sum not exceeding one hundred dollars and costs of prosecution, to be recovered in the police court of said city, or other court of competent jurisdiction, or may be imprisoned in the county jail of Saginaw county not more than three months, in the discretion of the court.

SEC. 8. Said board may fix a uniform charge or fee in any street or portion of a street, for putting in a tap or making private water connections with a street main, which charge or fee may include all the costs and expense of labor and material for connecting such main with a service pipe and laying the same from the center of such street to the curb line thereof. And whenever it shall be desirable in anticipation of paving, repaving or otherwise improving any street, to require the owners or occupants of lots, pieces or parcels of land, fronting on the portion so to be improved to connect such premises with the water main in said street, as now or hereafter provided by the ordinance of said city, and if said owner or occupant shall fail to connect the same in compliance with the notice given under said ordinance said board may then cause the necessary work to be done to connect said premises with the water main in said street, and furnish the labor and material required therefor, and charge the lot, piece or parcel of land in front of which said private water connection is laid, with the fee or charge for making said connection so established by it as aforesaid. And the same shall be assessed against said real estate in the same manner and with the same force and effect as is now or may be hereafter provided by the ordinances of said city, and by title six of this charter for making special assessments.

SEC. 9. Whenever the common council of said city shall have decided upon the making of any such public improvement, it shall so declare by resolution; and the board of public works, with all convenient dispatch, shall determine as to the particular kind, and estimate the quantity of materials to be used therefor, and estimate, in detail, the probable cost and expense of such work, and of the material to be used therein, and make a record thereof in their office; and cause to be prepared, so far as necessary, plans and specifications for such work or improvement; and report their determination and estimate to the common council. When such plans and specifications have been submitted to the common council and adopted by it, the said board of public works shall (except in the case of the cleaning and deepening of ditches and gutters, and the repair of streets and sidewalks) advertise for

proposals, except as herein otherwise provided, for the furnishing of material and for the performance of such work; and shall require all bidders to furnish security for the performance of proposals tendered to said board if the bid is accepted, and also security for any contract awarded; and all bids submitted to said board shall be publicly opened by it, and as soon as may be thereafter, reported by the said board, together with its recommendation in respect thereto, to the common council, and no contract shall be let by the said board until it is duly authorized by the common council.

SEC. 10. All contracts made by said board shall be in the name of the city of Saginaw, be first approved, as to form, by the city attorney, and be executed by the president and clerk of said board, and when made such board shall, in behalf of the city, have direction of the performance thereof. The board shall reserve the right, in all contracts, to determine all questions as to the proper performance of such contracts, and as to the completion of the work specified therein; and in case of the improper, dilatory or imperfect performance thereof, to suspend work at any time, to order the partial reconstruction of the same, if improperly done; to re-let the work covered by said contract, or any unfinished portion thereof; or, by its employés, to take possession and complete the same at the expense of the contractor. It shall also have the right, by proper provisions, in all contracts, to retain a sufficient amount from the contract price to pay and discharge all debts incurred by the contractor for labor performed and material furnished upon any public work; and upon the failure of the contractor to pay the same, to make payment thereof to the parties entitled thereto, and charge the amount so expended against the contract price.

Contracts to be
in the name of
the city of
Saginaw.

SEC. 11. The said board of public works shall have power to appoint, subject to the approval of the common council, a city engineer, a superintendent of public works, and said board shall also appoint engineers and firemen at the water works, hydrant men, and a bookkeeper, all of said appointees to hold their office during the pleasure of the board. The city engineer shall make all surveys for the laying out, constructing, altering, repairing and improving of streets, sewers, water mains, parks, cemeteries, public grounds and buildings, and prepare all necessary plans and diagrams, profiles and specifications thereof, and do the civil engineering work of every description, as required by the common council, the board of public works, or any other lawful authority of the city, and he shall have charge of all public [work] works under the direction of the board of public works. Said engineer may appoint, subject to the approval of the board of public works, such assistants under him as are required for the prompt and proper performance of said duties. The superintendent of public works or city engineer shall have the personal supervision under the direction of the board of public works, of

Officers may be
appointed by
board.

Council to fix salaries of employees.

Board to classify work.

Board to make estimates from time to time.

City attorney and city clerk to be officers of board.

the construction and repairing of public buildings, grading, paving, repaving, cleaning and caring for public streets, alleys and grounds, the construction and repairing of sidewalks and crosswalks, cleaning and deepening of ditches and gutters, and shall have general supervision of the water works system of the city of Saginaw. Said city engineer shall have authority to employ, subject to the approval of the board of public works, such assistants under him as are required for the prompt and proper performance of his duties, and said board may discharge said assistants upon recommendation of the city engineer. Said board of public works shall also have authority to employ all other subordinates as may be necessary to enable the board of public works to properly perform the duties devolving upon it. Said board of public works shall recommend annually, but the common council shall have authority to fix and shall fix the compensation of the engineer and firemen of the water works, hydrant men, city engineer, bookkeeper and all other appointees of said board, except as hereinafter provided. Said board shall fix the compensation paid to persons employed by the day, and all claims for the same shall, whenever certified by the board of public works, be submitted to the common council for allowance and payment, in the same manner as other claims against the city.

SEC. 12. The said board shall classify the various work under its control, and keep an accurate account of the cost of each, and of the amounts expended for construction, repairs and superintendence, and salaries of employes, and also detailed accounts of all other matters under its charge and control, and on the first Tuesday of January in each year, and oftener if required by the common council, submit to it a statement, showing in detail the progress and condition of all public improvements commenced or carried forward by said board; the character and amount of all contracts made by the board; the moneys earned and paid thereon, and all other information necessary to the full understanding of the business conducted by said board. The board shall, from time to time, also make estimates of the amounts earned and payable upon any contract for work done and materials furnished, and report the same to the common council, and it shall be the duty of the common council, without unreasonable delay, to order payment from the proper funds of the amount so reported, and during the month of July in each year said board shall submit to the common council a financial statement covering the business of the fiscal year.

SEC. 13. The city attorney shall act as legal adviser of said board, and the city clerk shall be by himself or his deputy, by him to be appointed, the clerk thereof, and shall keep a full record of its proceedings, showing the vote by ayes and nays of each member upon every motion brought before or determined by said board, relative to the adoption of plans, letting of contracts, approval of bonds, or the appointment of

officers or employes, which record shall at all times be open to public inspection, and a copy thereof published within five days after each session in the official newspaper of the city. A majority of the board shall form a quorum for the trans- **Quorum.** action of business, but a majority of all members constituting said board, shall be necessary to decide any questions before the same. Said board shall appoint a bookkeeper who shall keep a set of books showing the accounts and condition of said board and all work done by them. The board shall have the **Board to make all by-laws, rules.** power to make all such by-laws, rules and regulations as may be necessary or expedient for the conduct of its business. It shall have the power to fix the duties, and at any time to suspend or discharge any of its appointees or employes, and appoint or employ others in their place, as to the said board the public interest may seem to require. In case of the removal of the city engineer, by the board, the appointment of his successor shall be subject to the approval of the common council.

SEC. 14. No member of said board shall hold an elective or appointive office under the charter of said city during continuance as a member of said board, and his election to and acceptance of any office in said city, shall be deemed a resignation of membership, and shall vacate his office in said board. No member of said board shall be personally interested, either directly or indirectly, in any contract for any public work in said city, nor in the sale or disposition of any material to be used or applied in or about any public work or improvement. Any member of said board may be at any time removed by the common council of said city for official misconduct, or for the unfaithful or inefficient performance of the duties of his office: *Provided*, That the charges against the said member sought to be removed, and the notice of the time and place of hearing the same, shall be served on him at least ten days previous to the time so assigned, and an opportunity given him to make his defense. Whenever a member shall be removed, or a vacancy in said board shall occur by reason of the removal of any member thereof from said city, resignation, death or otherwise, the same shall be filled for the unexpired term, by appointment of the common council, upon the nomination of the mayor. **No member of said board shall hold an elective office, or be interested in any contract.**

SEC. 15. All books, surveys, field notes, plats, plans, specifications and other records of every description, relative to streets, sewers, public grounds or buildings of the cities of Saginaw and East Saginaw, together with all future surveys, surveyors' field notes, plats, records, plans, profiles and other papers connected with the work of the board, shall belong to the city, and be carefully preserved as public records. **Proviso.** **Vacancy in office, how filled.** **All records, etc., to belong to the city.**

SEC. 16. The board of water commissioners and board of public works and board of cemetery commissioners shall be and remain and perform the same duties as are performed by them under the charter of the city of Saginaw of eighteen hundred ninety-five in force before this act takes effect. They **Certain boards to have same power as under charter of 1895.**

Repealed
clause.

shall perform the same duties as separate boards, until after the new board of public works is appointed, qualify and act, and on said new board qualifying and acting then said board of public works and board of water commissioners and board of cemetery commissioners, as constituted under the charter of the city of Saginaw of eighteen hundred ninety-five, shall be terminated and abolished. And upon said new board being elected, qualifying and organized as provided for, this act shall be in full force and effect. All provisions of the charter of the city of Saginaw, in any wise contravening the provisions of this act, and all acts and parts of acts inconsistent herewith, are hereby repealed.

TITLE XIII.

RECORDER'S COURT.

Recorder's
court.

Recorder.

SECTION 1. There shall be a court in and for the city of Saginaw, to be known as the recorder's court, which court shall be a court of record. The recorder of said city shall be the judge of said court. No person shall be elected recorder unless he is a resident and citizen of the city of Saginaw, and at the time of his election an attorney and counselor at law of the supreme court of this State.

City clerk to be
ex officio clerk
of court.

SEC. 2. The city clerk shall be *ex officio* clerk of the recorder's court, and he may appoint a deputy, who shall be authorized to perform all the duties of the clerk of said court, but the clerk and his sureties shall be responsible for the acts of the deputy.

Recorder's
court to have
original and
exclusive juris-
diction.

SEC. 3. Said recorder's court shall have original and exclusive jurisdiction in all actions and proceedings to open, widen or extend any public street or alley, and of all other proceedings where it shall be necessary to appropriate private property for any public use within said city.

Terms of re-
corder's court.

SEC. 4. The recorder's court shall be held on the second Monday of each month, and the terms of said court may be continued until the business is disposed of; and special sessions may be held as often as may be deemed necessary; and if from any cause the judge of said court shall be unable to hold the same on the first day of a term, or on any other day to which said court is adjourned, the clerk thereof shall have the power, and it shall be his duty, to open said court and adjourn it from time to time until the judge shall be able to attend; and in such case all proceedings and matters pending in said court shall stand continued until said judge can hold said court; and it shall be lawful for said judge or clerk to administer oaths to witnesses on the trial of a cause, to take affidavits or depositions to be read in said court, under the rules and practice thereof.

Administer
oaths.

SEC. 5. The clerk of said court shall keep a journal of the proceedings of the court, under the direction of the judge, and all entries therein shall be read in open court by the clerk from day to day, and shall be corrected, when necessary, and signed by the judge thereof.

Clerk to keep a journal.

SEC. 6. The said journal shall be and remain a public record in the office of the clerk of said court, and shall be by him delivered over to his successor in office, together with the books and papers belonging to said office; and the recorder's successor in office shall be authorized to continue and complete all proceedings begun by his predecessor. Any record or entry made in said journal, as aforesaid, may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board in which it may be necessary to refer thereto, either from the journal itself, or from a copy thereof, certified by the clerk, with the seal of the court affixed.

Journal to be a public record.

Journal read in evidence.

SEC. 7. The said recorder's court shall have full power to punish for contempt of court, by fine or imprisonment, or both, but such fine shall not exceed twenty-five dollars, nor such imprisonment sixty days. The marshal, and so many policemen or constables as may be required, shall attend the recorder's court, obey its orders and execute and return all processes issuing out of said court to them directed, in the same manner as sheriffs or other officers of courts of record in this State.

May punish for contempt.

Officers to attend court.

SEC. 8. All writs and processes from the recorder's court shall run in the name of the people of the State of Michigan, be directed to the marshal or any policeman or constable of said city, shall bear test in the name of the recorder, shall be sealed with the seal of said court, signed by the clerk, and dated on the day on which the same shall be issued.

Writs and processes to be in name of.

SEC. 9. The practice of said court shall, so far as the same may be applicable, conform to the rules and practice prevailing in the circuit courts of the State, but the court may make such special rules, not inconsistent therewith, as may be required for the dispatch of business in said court.

Practice to be the same in circuit courts.

SEC. 10. The recorder shall be entitled to the following fees, to be audited and paid out of the general fund: For hearing and deciding any special motion, five dollars; for trial of any cause or matter, five dollars per day, for time actually employed in the trial thereof, and for attending each term when there is no business to be transacted at such term, three dollars.

Fees of recorder.

TITLE XIV.

POLICE COURT.

SECTION 1. The police judge shall hold a police court in said city at the city hall, to be styled the police court; said court, however, shall not be a court of record. Said police

Police court not to be court of record.

Powers of judge.

judge shall have power and authority to take complaints, issue all processes necessary in said court, to be signed by said judge; and the court shall have the same power to punish contempt and preserve order, to compel the attendance of witnesses, parties and jurors, and to determine as to the qualification of jurors, as a circuit court and the judge thereof; and such further powers incident to a circuit court and the judge thereof, as may be convenient in the exercise of the jurisdiction and powers herein conferred upon him as such court. He shall also have all the powers and authority of a justice of the peace in the trial of civil cases. In every criminal trial in said court by a jury, the city or the people, as the case may be, shall be entitled to but two peremptory challenges and the accused to but two peremptory challenges.

Term of office.**Judge to have jurisdiction in what cases.**

The police judge elected at the last municipal election, shall continue to hold said office for a period of three years from the time of his said election. After the first day of June, eighteen hundred ninety-seven, said police judge shall have and exercise the same jurisdiction and powers in all civil suits and proceedings, and perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of this State, and such further powers as are conferred by this act, and shall have jurisdiction in all civil cases where the plaintiffs, or any of them, or the defendants, or any of them, reside in the county of Saginaw, and shall have exclusive jurisdiction over any cause or proceeding where both parties to the same reside in the city of Saginaw at the time of the commencement of proceedings or cause.

Original jurisdiction.

SEC. 2. Said police court shall have original jurisdiction to issue process for, hear, try and determine all cases against persons charged with violations of the provisions of the charter of said city, or of any acts of the legislature, relative to the government thereof, and of the by-laws and ordinances of the common council thereof already enacted, or that may hereafter be enacted, anything in any other law of this State, or the charter of said city, or any ordinance of said city contained to the contrary notwithstanding, and shall have concurrent jurisdiction with justices of the peace in all civil cases, and all the provisions of the law relative to complaints against offenders for violations of the provisions of the charter of said city, or any by-law or ordinance of the common council of said city, or of the acts aforesaid and relative to process, proceedings and judgments therein, and relative to executions upon such judgments and proceedings thereon, shall apply to said police court, and the judge thereof shall have all the power and authority heretofore conferred by the charter, by-laws and ordinances of said city upon the police justice thereof. Said police court shall have original jurisdiction to issue process for, hear, try and determine all cases of mis-

misdemeanor and of a *quasi* criminal nature, committed within the corporate limits of said city, heretofore or hereafter, within the jurisdiction of said justice courts, anything in any other law of this State contained to the contrary thereof in any wise, notwithstanding. Said police court shall have original jurisdiction to issue process for, hear and examine, and to hold to bail, or to discharge all persons charged therein with the commission of felonies within the corporate limits of said city. Said police court shall have authority to sentence any person convicted therein of the commission of a misdemeanor, and triable in justice courts of this State, the same as justices of the peace may by law do, and in all other cases of misdemeanor, as is or may be provided by law for such offenses. It shall not be necessary to file a record of any conviction had in said court, but the dockets and files shall be *prima facie* evidence of all proceedings had in said court; and in all cases of the violation of the provisions of the charter, by-laws or ordinances of said city, each member of the police force of said city may make arrests without process, when committed within his presence; in which case complaint and arraignment shall be made without delay, so that no injustice shall be done.

SEC. 3. The practice of the said court shall be the same as the practice in courts of justices of the peace and the laws of the State relative to such practice, and the procedure before justices of the peace shall, except when herein otherwise provided, extend to the police court so far as is consistent with the practice of said court. All process issued out of said court shall be signed by the judge thereof, and in criminal cases directed to the chief of police or any member of the police force of said city. The chief of police or any member of the police force of said city shall, under this act, possess all the powers and authority heretofore given them by the charter of said city, or any other law of this State, or ordinance or by-law of said city, and shall have exclusive power, and it shall be their duty to serve and execute all process issued out of said court in criminal cases: *Provided, however,* Said police judge may direct the service of warrants by the sheriff of said county, by an order of said police judge endorsed upon any such process. It shall be the duty of the sheriff to keep a record of all process placed in his hands to be served and executed, which record shall show the date of the process, name of the accused, a summary of the proceedings had therein, and the amount of fees and charges of the officer who shall execute the same.

Practice to be the same as in courts of justices of the peace.

Process, to whom signed and directed,

Proviso.

SEC. 4. The police judge and clerk shall receive no fees or perquisites for their services performed under this act, but in [lien] lieu thereof the police judge shall receive an annual salary of twelve hundred dollars, commencing June first, eighteen hundred ninety-seven, for services actually performed, which shall be paid by the city of Saginaw monthly.

Salary.

The clerk of said police court shall receive an annual salary, to be paid by the said city, in the manner herein provided for the payment of the salary of the police judge, of not to exceed eight hundred dollars. Neither the chief of police nor any member of the police force of said city, shall receive for his own use any fees for services performed under this act.

Council to provide office and furniture.

SEC. 5. It shall be the duty of the common council of said city to provide a suitable office for the clerk of said court, adjacent to the court room thereof, and such necessary furniture, fuel, records, blanks, stationery and other articles that may be required for the court, clerk and other officers of said court.

Court always open for business.

SEC. 6. The police court shall always be open for business, but may adjourn its sittings from day to day and from time to time, as may be convenient and not inconsistent with the dispatch of business therein; cases and examinations pending in said court may be adjourned from time to time, not exceeding three months from the arraignment of the accused therein, unless the court shall be satisfied by proper evidence that the attainment of justice requires a further continuance, and then only for such further time as the exigency of the case for the attainment of the object aforesaid shall require. One member, at least, of the police force of said city, shall attend each session of said court as the officer thereof. In case of the removal from the city of said judge of said court, his death, resignation or removal from office, his office shall be vacant and such vacancy filled in the manner hereinbefore provided; the same cause shall be deemed to constitute a vacancy in the office of the clerk of said police court, and such vacancy shall be filled in the manner hereinbefore provided for the appointment of such clerk.

Member of force to attend each session.

Defendants to have right of appeal.

SEC. 7. The defendants in criminal cases shall have the right of appeal, provided such appeal shall be taken and perfected within twenty-four hours from the time of the court pronouncing its judgment or sentence, and *certiorari* from final judgment of said court, as provided by law for appeals and *certiorari* from final judgments of justices of the peace in criminal cases, such appeals being taken and perfected as hereinbefore in this section provided. Appeals and writs of *certiorari*, both in city and State cases, shall be taken, perfected and returned in the manner provided by law for like acts before justices of the peace in criminal cases, except as herein otherwise provided, and appeals in civil cases shall be taken the same as from justice courts.

Certiorari.

Who to be assistant police judge.

SEC. 8. The justice of the peace of said city shall be assistant police judge, who shall exercise the power, authority and jurisdiction herein conferred upon said police judge in case of the absence, inability or disability of the police judge to perform the duties of his office. And in case of vacancy in the office of police judge, said assistant police judge shall have power to and shall perform the duties of police judge until

such vacancy shall be filled, and during the absence, inability or disability of the police judge, the police judge shall receive no salary.

SEC. 9. Cases commenced in the name of said city for violations of the provisions of the charter or ordinances of said city, or of any act of the legislature relating to the government thereof, shall be prosecuted and proceeded in and the judgment thereon, and the final process upon said judgment to carry the same into effect, shall be in all respects as in criminal cases, but all fines and costs collected in such cases, and also all costs collected in State criminal cases, shall belong to and be paid by the clerk of the police court into the city treasury of Saginaw on the first Monday of each and every month, or within three days thereafter; but all fines collected in such State criminal cases shall belong to and be paid into the county treasury at the same time, and receipts therefor duly issued to said clerk. Said clerk shall at the same time report in writing to the common council of said city in city and State criminal cases, and to the board of supervisors in State criminal cases, the names of all persons tried in said court during the preceding month, the offense charged against each, and the amount of fines and costs separately collected by him and shall make oath thereto that the same are correct and that he has paid over all said moneys respectively, in accordance with the provisions of this act. All costs and expenses of trying, examining and committing offenders against any law of this State in said court, shall, unless collected, be audited and paid to said city in the manner provided in section sixteen of title IV of this act.

Cases to be conducted as criminal cases.

Clerk to make monthly report to council.

SEC. 10. The fees and costs in each case in said court, whether under the laws of this State, or under the charter, by-laws or ordinances of said city, shall be the same as are or may be provided by law for like cases before justices of the peace in criminal cases, and shall be taxed and an itemized bill kept in each file thereof. The fees of witnesses, jurors, sheriffs and constables, other than police officers of said city, shall, when collected, be paid to them by said clerk, to their own use, and in city cases commenced before said police court for the recovery of fines, penalties or forfeitures, and in all cases of offenses against the criminal laws of this State, within the jurisdiction of said court, to try and determine, if the defendant shall plead guilty to the offense charged, or shall be found guilty thereof on trial by said judge or jury, judgment for cost accruing in the case shall be rendered against and paid by said defendant, in addition to the fine, penalty or forfeiture imposed.

Fees.

SEC. 11. The said police judge shall have authority in all cases, either State or city, at his discretion, either before or after issuing of process, to require of the complaining witness security for costs, to the satisfaction of said judge or clerk, and the persons becoming such security shall sign a

Judge may require security for costs.

Proviso.

**Circuit court
to have ex-
clusive appel-
late jurisdic-
tion.**

Proviso.

**Clerk of police
court.**

**Shall file oath
of office.**

**Clerk to give
bond.**

memorandum in writing to that effect, which said clerk shall keep as a part of the record in the case. If the defendant or accused be discharged on examination or acquittal on trial, the said police judge shall enter a judgment for costs against the surety and the complaining witness, either or both of them, which shall be of like force and effect and shall be collected as by judgments rendered by a justice of the peace in actions commenced by warrant, and of like form with such executions, as near as may be: *Provided, however,* Before rendering such judgment said judge shall cause to be certified on the record that such payment of costs by such complainant is just and equitable.

SEC. 12. The circuit court of the county of Saginaw shall have exclusive appellate jurisdiction of all causes, civil and criminal, brought before the police judge and justice of the peace of said city, and also of all prosecutions brought for violation of this act, or of any ordinance of said city, and of all actions for the recovery of any fine, penalty or forfeiture for the violation thereof. Appeals may be taken from and writs of *certiorari* may issue to said police judge and justice of the peace, in the same cases, upon the same conditions, and with like effect as is now, or may at any time hereafter be provided by the general laws of the State in respect to actions, prosecutions and proceedings before justices of the peace in the several [townships] township of the State: *Provided,* That on the trial of all appeals from any convictions for violation of the provisions of this act, or of any ordinance made in pursuance thereof, the city attorney shall be entitled to appear and to prosecute the same, and may exercise the same powers and perform the same duties in the prosecution thereof as are exercised and performed by the prosecuting attorney of Saginaw county, on the trial in said court of offenses against the general laws of the State.

SEC. 13. The police judge and justice of the peace, shall at the third regular meeting of the common council after the annual city election, nominate a clerk of the police court, to be elected by the common council of said city, who shall be a resident and citizen of said city. Before entering upon the duties of his office, said judge shall take and subscribe and file in duplicate, with the clerk of said city and with the clerk of the county of Saginaw respectively, the constitutional oath of office. He shall be a resident and citizen of said city.

SEC. 14. Before entering upon the duties of his office, the clerk of the police court shall take, subscribe and file with the clerk of said city the constitutional oath of office, and give a bond to the city of Saginaw, and a bond to the treasurer of the county of Saginaw, each in the sum of two thousand dollars, with sufficient sureties, to be approved by the common council of said city, and by the treasurer of said county respectively, conditioned for the faithful discharge of the duties of his office, and to account for and to pay over to the

proper treasurers, in the manner and at the times herein-after provided, all moneys which shall come into his hands by virtue of his said office. The bond to the city shall be filed with the city clerk, and the bond to the treasurer of said county, shall be filed with said treasurer, and if for any cause a vacancy shall occur in the office of judge of said police court, the common council of said city may order a special election to be held for the election of a judge of said court for the remainder of the term of said judge, which said election, if ordered, shall be conducted in the same manner as the annual city election, and the same notice thereof given as is required by law to be given for the annual city election.

In case of vacancy in judge of police court.

SEC. 15. The clerk of the police court shall keep the records of said court and justice court and do all the necessary clerical labor of said court and be the custodian of the records and files and property of said court in all criminal cases; he shall provide the court and its officers with necessary stationery, record blanks and other articles to be furnished by said city on requisition on the controller thereof. The journal and docket entries of said court shall be signed by the judge thereof. The clerk shall receive and account for all moneys collected. The clerk of said court shall file and preserve all the records and files of said court, and he shall not be concerned as counsel in any case therein; he may sign and seal all writs and process issuing from said court, as provided in this title, and shall have power generally to administer oaths and affidavits, take recognizance or bail, swear witnesses and jurors, and do all acts usual and proper to do by the clerk within the jurisdiction of said police court.

Clerk to keep records.

SEC. 16. Said police judge or clerk may be suspended from his office and removed therefrom in the same manner and form as provided by law for the suspension and removal of justices of the peace.

How may be removed from office.

SEC. 17. In case of examination of offenders by said police judge, for offenses committed against the criminal laws of this State, when said police judge has jurisdiction to examine and hold to bail only, it shall be lawful for said police judge to cause an order to be entered in the record of such examination, appointing, if in his judgment it is for the best interests of the public so to do, some suitable stenographer to take down in shorthand the testimony in any such examination and to write the same out in long hand; and any stenographer so employed in any such examination, shall receive such *per diem* compensation for the time by him expended in so taking down such testimony, and such price per folio for writing out in long hand such testimony so taken as aforesaid, as shall be fixed by the board of supervisors of Saginaw county, the same to be allowed and paid out of the treasury of said county.

In case of examination of offenders against criminal laws of this state.

Prosecutions
for violation of
ordinances
before police
court.

SEC. 18. Prosecutions for violations of any of the ordinances of the common council, or the charter of said city, shall be commenced before the police court of said city by complaint and warrant, and upon complaint in writing, and on oath, being made before said police judge, setting forth briefly what ordinance or provision of the charter of said city has been violated, and in what manner and by whom and warrants shall issue directed to the chief of police or any policeman or constable of said city, reciting the substance of such complaint, and commanding such officer, in the name of the people of the State of Michigan, to arrest the person named in said complaint and bring him forthwith before said court to be dealt with according to law; and upon such person being so brought before such court, such proceedings shall be had as are provided for the trial of criminal cases before said court in this act.

When officer
may arrest
without
warrant.

SEC. 19. Any policeman, constable or other officer of said city may arrest any person, without warrant, while in the act of violating the charter or any ordinance of said city; and the person so arrested, shall be forthwith taken before the police judge as aforesaid, and complaint then made against the person so arrested, and such proceedings shall thereupon be had as provided in section thirty of this title, except that no warrant need be issued for the arrest of the person so brought before said judge: *Provided*, That any person so arrested in the night time may be detained in custody until such time as he can be taken before such court.

Proviso.

Police judge to
sentence of-
fenders upon
conviction.

SEC. 20. Upon conviction of any person in prosecutions commenced by complaint, it shall be the duty of the judge before whom such conviction is had, to sentence the offender to pay such fine or penalty as said judge may determine, not exceeding the amount specified in the ordinance or provisions of the charter violated, together with the costs for prosecution, within such time as said judge shall order, and in default of such payment, said judge shall order the offender to be imprisoned in the city jail of said city, or in the county jail of Saginaw county, for such time as such judge may determine, not exceeding the time fixed in and by the provisions of the charter or the ordinance, for the violation of which said offender was convicted, and said judge shall issue a commitment to the officer who arrested such offender, or policeman of said city, and to the keeper of the jail in which such offender is ordered to be imprisoned, commanding that said offender be taken to said jail, and there confined for the time ordered by said judge, and it is hereby made the duty of the officer to whom such commitment is directed to obey the same. Any person so imprisoned shall be entitled to his discharge upon payment to said court of the amount of such fine or penalty and costs, except as otherwise provided herein. The judge, in imposing any fine or penalty, may add thereto as a part thereof and to be paid therewith the cost of prose-

cution, whether the ordinance under which the prosecution is being had provides for the adding of such costs as a part of such sentence or judgment.

SEC. 21. Any person arrested for violating any ordinance of said city may demand a trial by jury, which shall be summoned in the same manner as is provided by the laws of the State of Michigan for trial of criminal cases before justices of the peace, but no jury shall be demanded in any prosecution for acts committed which are not criminal by the general laws of this State, except upon payment, by the defendant, of the fees provided by law for payment of the jury fees, and for the summoning of a jury in civil cases in justice court, and in case of a demand for a trial by jury, some member of the police force of said city shall prepare the list, receive the *venire* and summon said jury.

Any person arrested may demand jury.

SEC. 22. The common council of said city shall have power and authority, whenever they shall deem it expedient, to provide a city penitentiary, jail or police station where all persons charged with or convicted of offenses or misdemeanors against the charter, by-laws or ordinances of said city, may be confined and imprisoned until discharged by authority of law; and the said common council may regulate the time and manner such prisoners shall be kept at labor, and make all by-laws, ordinances or orders concerning the good government and regulation of said penitentiary and jail, and for the punishment of such prisoners as may refuse to work therein, as they may deem necessary and proper.

Council to have power to provide city jail.

SEC. 23. Any person arrested by virtue of any process issuing from any court in said city, or by authority of any officer of said city, may be confined in said penitentiary, jail or police station in the same manner as prisoners are, or may be detained in the jail of Saginaw county; and any law of this State prohibiting escapes, aiding prisoners to escape, or any other act detrimental to the safety of prisoners in a county jail, shall apply to said police station, jail or penitentiary.

Person arrested may be confined in such jail.

SEC. 24. All persons charged with, or convicted of offenses against the general laws of the State, or for violation of this act, or of the ordinances passed in pursuance thereof may, by the direction or sentence of the court having jurisdiction of the offense, be confined either in the city jail or station house, or in the county jail of Saginaw county. And when, in the first instance, taken to or confined in said city jail or station, may be removed to the said county jail by direction of said court.

Court may order prisoner confined in jail.

SEC. 25. It shall be the duty of the prosecuting attorney of the county of Saginaw, or his authorized deputy or assistant, to attend all sessions of said police court, when requested by the judge so to do, and prosecute all State criminal cases therein, except when actually engaged, as such officer, in the trial of a case in the circuit court; and it shall be the duty of the city attorney, or an assistant authorized by the common

Prosecuting attorney to attend court.

When city attorney to attend court.

council, to attend all sessions of said court, and to prosecute all violations of the charter, by-laws or ordinances therein.

TITLE XV.

JUSTICE COURT.

Justice of the peace, term of office, jurisdiction.

SECTION 1. There shall be but one justice of the peace in and for the city of Saginaw after the first day of June, eighteen hundred and ninety-seven. The justice whose term of office first expires, shall be and remain justice of the peace of the city of Saginaw during the time for which he was elected, after the expiration of his term of office and every four years thereafter, and at the spring election of other city officers, there shall be elected a justice who shall hold his office for a period of four years, and he shall qualify and enter upon the duties of his said office within ten days after being notified by the city clerk of his said election. The said justice shall have and exercise the same jurisdiction and powers in civil cases and proceedings, and shall perform the same duties as may be conferred upon or required of justices of the peace by the laws of this State, except as otherwise provided in this act. He shall have such further jurisdiction or powers as are conferred by this act, and in the absence or inability of the police judge, said justice of the peace shall hear and determine all cases pending before said police judge and shall have the same power to issue process and hear and determine cases as said police judge, and shall be known as the assistant police judge. If, for any cause, a vacancy shall occur in the office of justice of said justice court, the common council of said city may order a special election to be held for the election of a justice of said court for the remainder of the term of said justice, which said election, if ordered, shall be conducted in the same manner as the annual city election, and the same notice thereof given as is required by law to be given for the annual city election.

Council to order a special election to fill vacancy.

Jurisdiction.

SEC. 2. Said justice of the peace and police judge shall have jurisdiction in all civil cases where the plaintiffs, or any of them, or the defendants, or any of them, reside in the county of Saginaw, and shall have exclusive jurisdiction over any cause or proceedings where both parties to the same, reside in the city of Saginaw at the time of the commencement of proceedings or cause. No justice of the peace of any township in the county of Saginaw shall have jurisdiction over any civil cause or proceedings where both parties to the proceedings reside in the city of Saginaw at the time of the commencement of said proceedings or cause.

Plaintiff, to begin suit where.

SEC. 3. A plaintiff or plaintiffs, non-residents of the county of Saginaw, shall bring action before the justice of the peace or police judge of the city of Saginaw, when the defendant

or defendants, or either of them, reside in the city of Saginaw. The files, records and dockets of the justice shall be filed with and kept by the clerk of the police court, and all dockets now in possession of the clerk of the justice court, and all executions to be issued, shall be issued by the justice or police judge whose term of office first expires and who shall be and remain in office, and such justice or police judge shall have power and authority to issue executions upon judgments rendered by the police judge of said city.

Records to be kept by clerk of police court.

SEC. 4. In cases of examination of offenders by the justice, for offenses committed against the criminal laws of this State, which are not triable before said justice, but before the circuit court, it shall be lawful for such justice to cause an order to be entered in the record of such examination appointing, at the request of the prosecuting attorney or his assistant, if in the judgment of said justice it is for the best interest of the public so to do, some competent stenographer to take in shorthand the testimony given upon such examination, which shall be written out in long hand upon the written request of the prosecuting attorney, filed in the cause, and the stenographer so employed shall receive such *per diem* compensation for the time expended by him in taking such testimony, and such price per folio for writing it out in long hand, when requested by the prosecuting attorney as aforesaid, as shall be fixed by the board of supervisors of Saginaw county, the same to be allowed and paid out of the treasury of said county.

Examination before justice of the peace.

SEC. 5. Said justice of the peace shall have his office in the city hall, and the common council of the city of Saginaw shall provide the necessary dockets, books, blanks, stationery, furniture, fuel and lighting for the use of said justice. And the Michigan Reports now in the police judge's office shall be used in common by the police judge and the justice of the peace.

Justice to have office in city hall.

SEC. 6. Said justice of the peace shall be entitled to receive from the treasurer of the city of Saginaw an annual salary of twelve hundred dollars after the first day of June, eighteen hundred and ninety-seven, payable monthly, on the certificate of the controller, but no such certificate shall be granted by said controller until the justice asking for the same has made and filed with him his affidavit, setting forth the number of days he has been in actual attendance at his court room, ready for business, during the period for which the certificate is intended to cover, and for such time thus spent in attendance to business only, shall he be allowed in said certificate. Said justice shall have his court room open and he shall be in attendance to the duties of his office therein from nine o'clock in the morning until twelve o'clock noon, and from half-past one o'clock until five o'clock in the afternoon, except on all legal holidays.

When justice court to be open.

SEC. 7. It shall be the duty of the clerk of police court to keep a true record of said justice court and police court, with

Duty of clerk in regard to records.

Powers.

the assistance of the justice of the peace and police judge, and enter all judgments on the dockets under the direction of the justice and police judge rendering the same, in the time and manner provided by law, but after such entry, each judgment shall be signed by the justice or police judge by whom it was rendered. The said clerk shall also file and safely keep all books and papers belonging or appertaining to said court, and enter in a book provided for that purpose a list of names of all jurors that sit on the trial of cases before the said justice or police judge, with names arranged in alphabetical order, together with the date or dates that each juror so sat, with a reference to the page of the docket where the proceedings of the trial are entered. He shall have power generally to administer oaths and take affidavits; he shall also fill up processes and blank forms on request, and make all writs returnable to the said justice or police judge in regular rotation; and if upon the adjourned or return day of any cause the justice or police judge issuing the process therein should be absent at the time to which the same was adjourned or made returnable, the justice, and police judge, shall have the same jurisdiction to proceed therein as though it had been originally commenced before him, but the record thereof shall be entered in the docket of the justice or police judge issuing the original process. The said clerk shall also receive all costs, fines and dues of every description which are provided by law, in all proceedings in said justice court and police court, and shall pay the said county treasurer of Saginaw county weekly, all such fines collected in the State criminal cases, and shall pay to the treasurer of the city of Saginaw weekly, all such fines, cost and dues by him so received, except fines in State criminal cases, and shall take the receipts of the said treasurer therefor. He shall file said receipts with the city controller of said city, and shall render to said controller weekly, a report of all business transacted by the justice of the peace, including a statement of the receipts and disbursements of his office.

**Fees to be paid
to clerk on com-
mencement of
suit.**

SEC. 8. Before any action or proceeding, except proceedings in garnishment, replevin, attachment or by civil warrant, shall be commenced in any of said courts, there shall be paid to said clerk by the said party bringing the same, the sum of fifty cents as entry fee, and in actions of replevin, attachment, or those begun by civil warrant, there shall be paid, as aforesaid, the sum of one dollar as entry fee, and at or before the trial of any such action or proceeding shall be commenced, the further sum of one and one-half dollars, but in case of nonsuitor or discontinuance before the commencement of the trial, only the entry fee shall be payable: *Provided*, That if there be more than two adjournments after the return day of the principal suits or after joining issue in a garnishee case, there shall be an adjournment fee paid by the party procuring said adjournment, of twenty-five cents for each adjourn-

Proviso.

ment, before he shall be entitled to such adjournment. Proceedings in garnishment shall be treated as a part of the principal cause, and no additional fee shall be required therein, except when an issue of fact shall be joined in respect to the liability of a garnishee or garnishees; in such case a judgment fee of one dollar and one-half shall be paid before such trial shall commence. If any party demand a jury in any civil action in said court, he shall advance the same fees therefor that are or may be provided by the general statutes of the State governing justice courts. The money so paid to said clerk, as herein provided, shall be for the use of said city, and shall be held to be in full of all fees in civil actions, including the issuing of executions and satisfaction of judgment. The sum or sums so paid, including the jury fees, shall be taxed as costs of suit in favor of the party paying the same, if he be the prevailing party in the suit. For all services and proceedings subsequent to the issuing of the execution, or for the purpose of staying proceedings, or removing causes to the appellate court, there shall be paid to the said clerk the fees now or hereafter provided by the general statutes of the State governing the justice courts and returns in appeal cases, and to writs of *certiorari* shall be made in the manner therein provided. In criminal cases the same costs shall be paid, and in the same manner as in proceedings before justices of the peace in townships, except that the same shall be paid to the said clerk.

In case party demands a jury.

SEC. 9. The fees of the said justice of the peace for services hereafter performed in State criminal cases shall belong to said city of Saginaw, and after being audited by the board of supervisors of Saginaw county, shall be paid to the controller and by him to the treasurer of said city of Saginaw.

Fees of justice to belong to city.

SEC. 10. Said clerk shall on the first Monday of each and every month report in writing to the common council of said city the amount of all costs collected in civil cases and State criminal cases during the preceding month in said courts, and shall at the same time report in writing to the board of supervisors of Saginaw county the amount of fines collected by him in State criminal cases during the preceding month in said courts.

Clerk to make monthly report to council.

SEC. 11. This act shall in no way affect the fees to which justice of the peace or police judge may be entitled, on the performance of marriage ceremonies, taking acknowledgments and administering oaths in matters not connected with any litigation in said courts, nor shall it affect the fees to which sheriffs or constables are entitled, or the present method of paying them.

What fees not to be affected.

SEC. 12. The service of all writs under this act shall be made in the manner prescribed by the general laws of this State: *Provided*, That for the service of original writs within said city, no constable or deputy sheriff shall be allowed to

Service of writs.

Proviso.

charge or demand more than fifty cents as fees for such service.

Circuit court
may prescribe
the rules to
govern justice
court.
How justice
may be re-
moved.

Charges to be
filed in circuit
court.

SEC. 13. The circuit court for the county of Saginaw may prescribe the (rules) rule to govern the practice in the said justices' courts, not inconsistent with the laws of this State. Any justice of the peace of said city may be removed from his said office by the circuit court for the county of Saginaw, for the refusal or neglect to pay over, as required by law, any moneys by him collected for or on account of any fine, penalty, forfeiture or costs; for the unfaithful or inefficient performance of his duties, or for any official misconduct, upon charges specifically preferred against him by the mayor or common council, or by any three electors of said city. Said charges, upon being duly verified by oath, shall be filed in said circuit court, and a copy thereof served personally upon said justice of the peace against whom the same are preferred, at least ten days before he is required to be tried thereon and opportunity shall be given him to be heard in his defense; and said court shall have power to make all necessary orders to insure a fair but summary trial thereof, and upon conviction, to enter the proper judgment for suspension or removal from his said office of the said justice so convicted.

Defendant may
have cause
transferred.

SEC. 14. The defendant in any cause begun before either said justice or police judge may have the trial of the case, whether the same be civil or criminal, transferred from the justice or police judge who issued the process by which said suit was begun to the other justice or police judge by filing with the clerk of said court an affidavit that the defendant has good cause to believe and does believe that the said justice or police judge who issued such process entertains such a prejudice against said defendant that defendant verily believes that he cannot obtain a fair and impartial trial before the justice or police judge that issued such process, at any time before the trial of the case has actually begun; and upon the filing of such affidavit, the justice or police judge who issued such process shall have no further jurisdiction in said cause, but all further proceedings in said cause shall be conducted by such other justice or police judge, in the same form and manner as if such other justice or police judge had issued the original process in said cause.

Clerks to per-
form same
duties as re-
quired by
charter of 1895.

SEC. 15. The clerks of the justice and police courts now holding office under the charter of the city of Saginaw of eighteen hundred and eighty-nine, shall be and remain in and hold their respective offices, and perform the same duties as required under the charter of the city of Saginaw of eighteen hundred and ninety-five, until the third regular meeting of the common council after the annual city election in the year eighteen hundred and ninety-eight, at which time there shall be elected by the common council of the city of Saginaw,

upon the nomination of the police judge and justice of the peace, a clerk to act for both justice and police courts; said clerk to be known as police clerk.

TITLE XVI.

APPROPRIATION OF PRIVATE PROPERTY.

SECTION 1. The common council of the city of Saginaw is hereby authorized to open, extend, widen or straighten streets and alleys in said city for the public use and benefit, and to take private property therefor, or for any other public purpose, within the limitation of the State constitution: *Provided*, It is for the use and benefit of the public and institute and prosecute proceedings for the purpose, in accordance with the provisions of this act.

Council to have power to widen, extend, straighten streets, alleys, and take private property for public use.

SEC. 2. Whenever the common council of the city of Saginaw shall deem it necessary, for the use and benefit of the public to make any such improvement, and to take private property therefor, said common council shall, by resolution, so declare and also describe such property, and designate the purpose for which it is to be taken, and fix and describe a special taxing district, embracing only the taxable real estate, which in the opinion of said common council, will be benefited by such improvement. And private property may be taken for such purposes in the manner provided in this chapter, or by the general laws of this State. Said resolution shall direct the city attorney to institute proceedings in the recorder's court in said city to carry out the objects of such resolution, but the common council may negotiate with the owner or owners thereof, or any interest therein, for the purchase and conveyance of the same to the city of Saginaw, for the public uses prescribed in said resolution; and in case such negotiations shall result in the purchase of such private property by the city, for the public uses described in said resolution, it shall be lawful for the common council to determine by an entry in their proceedings that the whole or a just proportion of such purchase price shall be assessed upon the owners or occupants of real estate situated in the assessing district fixed by said resolution, and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings as is provided by title VI of this charter, for assessing, levying and collecting the expenses of other public improvements by special assessment.

Action of council required before taking private property.

Negotiations for purchase.

SEC. 3. Upon the passage by the common council, of such resolution, it shall be the duty of the city attorney to prepare and file in the name of the city, in the recorder's court of said city, a petition signed in the name of the city by the

City attorney to prepare and file in recorder's court a petition signed in name of

city a certified copy of resolution describing lots to be taken.

Jury to be empaneled to determine necessity of making improvements.

Expense of certain improvements to be paid by city and raised by general tax.

Clerk of court to issue summons.

Notice of pendency of proceedings to be filed in office of register of deeds.

Summons shall be served by marshal.

When respondent cannot be found, summons to be served the same as on non-residents.

city attorney in his official capacity, which shall allege the passage of, and have annexed thereto, a certified copy of said resolution; shall describe all the lots, tracts and parcels of private property proposed to be taken, and set forth the names of the owners of such lots, tracts and parcels respectively, as far as the same can be ascertained from the records in the office of the register of deeds of Saginaw county, and shall allege that it is necessary to take such property for the public use and benefit, and pray that a jury may be empaneled to determine whether it is necessary to make such an improvement, and to take such property for the public purpose therein stated, and to ascertain and fix the just compensation to be paid therefor. The petition may pray for any other or further relief deemed necessary within the objects of this act.

SEC. 4. All the expenses of the proceedings in opening, extending, widening or straightening streets and alleys shall be paid by the city, and raised by a general tax, to be levied and collected according to the provisions of the charter of the city.

SEC. 5. Upon filing said petition, it shall be the duty of the clerk of said court, upon request in writing, of the city attorney, to issue a summons against the respondents named in the petition, commanding them, in the name of the people of the State of Michigan, to appear before said court at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted. Notice of the pendency of said proceedings shall be filed in the office of the register of deeds for Saginaw county, which shall be entered by said register in the same manner as other *lis pendens* are required to be entered, and thereafter no change of ownership of the real estate sought to be taken under the said proceedings, shall in any manner affect the same, but they may be carried on and perfected as though no such conveyance or transfer had been made.

SEC. 6. Said summons shall be served by the marshal, captain of police or sergeant of the city, at least five days before the return day thereof, upon all the respondents found within the county of Saginaw, by exhibiting the original and delivering a copy to each of them. If it shall appear on the return day of the summons that any respondent cannot be found in the county, and has not been served in the manner provided, or is a non-resident and has not voluntarily appeared, the court may make an order requiring such respondent or respondents to appear and show cause why the prayer of the petition should not be granted, on a day to be named in the order, not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served upon such respondents wherever found, if practicable, at least six days before the time named in the order for appear-

ance; or the court may make such order for appearance, and require, as to any or all such respondents who shall not have been served and have not appeared, that service be made by publishing a certified copy of such order for three successive weeks, at least once in each week, in the official newspaper of said city. *Alias* and *pluries* summons may be issued, and the court may adjourn the proceedings from time to time, as there shall be occasion, and as in other civil cases. Service of such order for appearance in either mode prescribed shall be sufficient notice of the proceedings to bind the respondents and the property represented by them.

Service may be made by publishing a certified copy of order.

SEC. 7. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the court shall make an order that a jury be empaneled in the cause. Such jury shall be composed of resident freeholders of the municipality, and shall be selected and empaneled as herein after provided.

When summons returned, if sufficient cause has not been shown to contrary, court to order jury empaneled.

SEC. 8. On the first Tuesday of June in each year, between the hours of nine and twelve o'clock in the forenoon, the assessor of the city of Saginaw, the clerk of said court and the marshal of said city shall meet together in the office of said assessor in said city, and shall then proceed, in public, to select from the last annual assessment roll of said city, (which roll the custodian shall produce before them) a list of one hundred persons to serve as jurors in said court, the persons so selected to be qualified electors, of fair character, of sound mind, free holders in said city of Saginaw and capable of understanding and speaking intelligibly the English language. Said list shall be signed by the said assessor, clerk and marshal, if they all be present, and assist in the making thereof: *Provided*, That any two of them shall be authorized to select such list and sign the same in the absence of the third, and *Provided, further*, That if said list is not selected within the time above limited, or if, for any reason, a legal list shall not have been made, the judge of said court may, by his order, entered of record in said court, command the said assessor, clerk and marshal to proceed forthwith to select said list and sign and file the same. When the list is signed, as aforesaid, it shall be filed by the officers signing the same, in the office of the clerk of said court, and the said assessor or the said clerk shall file with said list an affidavit that it has been drawn in accordance with the foregoing provisions. The persons whose names are set forth in said list, shall be liable to serve as jurors in said court for one year, or until a new list is selected. The practice and proceedings, except as provided in this section, relative to drawing, summoning, exempting and excusing jurors and talesmen, and imposing penalties upon them for non-attendance, shall be the same as in the circuit courts of this State relative to petit jurors:

Who shall meet for the selection of names for jurors, time and place of meeting.

Proviso.

Further proviso.

When list is signed to be filed in office of clerk of court.

Further
proviso.

Talesmen to be
drawn in the
same manner
as jurymen.

Upon receiving
list, prepared
and filed, clerk
to write the
names on sepa-
rate slips to be
drawn from
box.

No jury shall
be drawn for
any term with-
out order from
court.

Who to be pres-
ent at time of
drawing juries.

Clerk may ad-
journ time of
drawing.

Who shall draw
strips of paper
from box.

Minutes of the
drawing to be
signed by the
clerk.

Personal or
written notice
to be given to
persons on list.

Provided, further, That the judge of said court shall have power to order the drawing of more than twenty-four jurors when he shall deem it necessary, not to exceed fifty jurors at any term. All talesmen who may be directed by the said judge to be summoned for the term, shall be drawn from the jury box in the same manner as the original panel. Every person who shall, directly or indirectly, ask to be placed upon said list, shall thereby render himself ineligible to serve as a juror in said court for one year thereafter, and his name shall in no case be placed upon such list during that period.

SEC. 9. Upon receiving such list, prepared and filed as aforesaid, the clerk of said court shall write the names of the persons thus selected on separate strips of paper, of the same size and appearance, as near as may be; shall fold up each of said strips of paper in the same manner, so as to conceal the name thereon, and deposit the same in a box to be called and labeled "street opening jury box."

SEC. 10. No jury shall be drawn for any term without an order previously made by the court, and such order shall specify the number of jurors, not less than twenty-four nor more than fifty, to be drawn, and the time they shall be summoned to attend. It shall thereupon be the duty of the clerk to draw the number of names ordered by the court from the street opening jury box, and at least two days before such drawing the said clerk shall give notice to the judge of said court and to the marshal, of the day and hour when such drawing shall take place. At the time so appointed, it shall be the duty of said judge, and of the marshal, or some policeman of said city, to attend at the clerk's office and witness said drawing of jurors, and if neither said judge, marshal or policeman be present at the appointed time, the clerk may adjourn such drawing to some certain hour on the next day, of which adjournment he shall forthwith give notice to said judge and marshal. If at the time first appointed for such drawing, or at the adjourned time therefor, either said judge, marshal or policeman shall be present, the clerk shall proceed to draw from said box, publicly and in the presence of the officer or officers attending, as many strips of paper containing the names of jurors written thereon as may have been ordered by the court, and one of the attending officers shall keep a minute of such drawing, in which he shall enter the name of every strip of paper drawn, before any other such strip be drawn. The said minute of the drawing shall then be signed by the clerk of said court and the attending officers, and filed by the clerk in his office, and he shall immediately make out a *venire facias* and deliver the same to the marshal of said city, which shall command him or any policeman of said city to summon the persons named therein to be and appear in said court at the terms thereof, for which they were drawn to serve as street opening jurors, and not depart the same until discharged, under such penalty as the court may

impose. Said *venire facias* shall be served at least three days before the term of the court therein specified, by giving personal notice to each person therein named, or by leaving a written notice at his place of residence with some person of proper age, and return thereof shall be made to said court at its opening, specifying those who were summoned and the manner in which each person was notified. All talesmen who may be directed by the said judge to be summoned for the term, shall be drawn from the jury box in the same manner as the original panel. In empaneling a jury, the practice and proceedings relative to empaneling, exempting and excusing jurors and talesmen, and imposing penalties upon them for non-attendance, shall be the same as in the circuit courts of this State relative to petit jurors. Whenever there shall not be qualified jurors enough present to form a panel in any case, the panel may be filled up in the same manner as a panel of petit jurors is filled up in a like case in said circuit courts. If any juror, after being sworn, shall die, or for any other cause become unable to discharge his duties, the court may appoint another qualified person to serve in his place, who shall be sworn and taken in place upon the jury.

Talesmen to be drawn from jury box in same manner as original panel.

SEC. 11. Every juror empaneled in any cause shall be sworn as follows: Oath of jury.

"You do solemnly swear (or affirm) that in the matter of that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement, and for taking for the use and benefit of the public the private property which the petition describes and prays may be taken, and if you determine that it is necessary, then that you ascertain, determine and award the just compensation to be made therefor, and faithfully and impartially discharge all other duties as devolved upon you in this case, and unless discharged by the court, a true verdict give, according to law and the evidence, so help you God."

They shall hear the proof and allegations of the parties and the arguments of counsel, and if so ordered by the court shall go to the place of the intended improvement in charge of an officer, and upon, or near as practicable, to any property proposed to be taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the court, and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of any ordinary civil case: *Provided*, That the court in its discretion may permit the jury to leave the jury room a sufficient length of time to obtain their meals and sleep at their respective homes. Jury to hear allegations and arguments of counsel, go and examine premises.

SEC. 12. The jury shall determine in their verdict the public necessity for the proposed improvement, and for taking such private property for the use or benefit of the public for Provido. Jury shall determine the necessity for proposed improvement and

award com-
pensation.

In case of
mortgaged
property com-
pensation, how
apportioned.

the proposed improvement, and in case they find such neces-
sity exists, they shall award to the owners of said property
such compensation therefor as they shall deem just. If any
such private property taken shall be subject to a valid mort-
gage, lease or agreement, and the taking thereof for such
purpose will impair such security, lease or agreement, the
jury shall apportion and award to the owner of said mort-
gage, lessee or person interested in said agreement, such por-
tion of the compensation as they shall deem just, and if there
are any buildings or other personal property situated on the
land taken, the jury may, at the request of the owner allow,
instead of damages for the value, damages and expenses for
the removal thereof. The damages for taking any land belong-
ing to the estate of any deceased person shall be awarded
to said estate, and shall be paid to the executor or adminis-
trator of said estate, or if there is no such executor or admin-
istrator, or if he cannot be found, it shall be deposited in the
city treasury to the credit of said estate, and be paid to the
person entitled to receive the same.

Jury to have
maps showing
proposed im-
provement.

SEC. 13. To assist the jury in arriving at the verdict, the
court may allow the jury, when they retire, to take with them
the petition filed in the case and maps showing the proposed
[improvements,] improvement and the location of each and all
the parcels of property to be taken with the names of all parties
interested in such property, and may also submit to them a
blank verdict, which may be as follows:

PART I.

Form of blank.

We, the undersigned jury, empaneled in the above matter,
and having given the same due consideration, do hereby find
and determine that it is necessary to
said as proposed, for the
public use and benefit as a public
and that for said use and benefit and purpose, it is necessary
to take the private property described in the petition in this
cause, which said property is hereinafter also described.

PART II.

Damages
awarded.

And the damages sustained, and the just compensation to
be paid for such private property we have ascertained and
determined, and hereby award as follows:

Form.

Description of each of the several parcels of private property to be taken.	Owners and others inter- ested in each parcel.	Compensation and Damages.

The different descriptions of property and the names of the owners and others interested therein, may be inserted in said blank verdict under the direction of the court before it is submitted to the jury.

SEC. 14. The verdict of the jury may be set aside by the court and a new trial ordered for objections of law and to matters of substance, but not for objections as to matters of form, in the same manner and on the same grounds as in ordinary civil actions in the circuit courts of this State, and amendments, either in form or substance, of the petition, process and proceedings, may be allowed, when they will not interfere with the substantial rights of the parties. And if, by such amendment, new parties to the proceedings are added, a new summons may be issued to bring in such additional parties, and when any such further summons is issued, the proceedings shall be adjourned by the court a sufficient length of time, not less than six days, to enable such summons to be served, which summons shall be made returnable on the day to which the case is adjourned, but shall be served at least three days previous thereto. The court may refer back to the same jury the verdict, for the purpose of correcting all errors therein contained. Rules of practice of the recorder's court shall be followed, as near as may be, in all proceedings under this act.

Verdict of jury may be set aside by court.

When new summons may be issued, proceedings to be adjourned until summons shall be served.

SEC. 15. Motions for a new trial, or to arrest proceedings, shall be made within two days after the rendition or verdict, unless further time is allowed by the court, and if no such motion is made, or being made is overruled, the court shall enter an order confirming the verdict of the jury, and such judgment or confirmation, unless reversed by the supreme court, shall be final and conclusive as to all persons interested therein. But the city may within three months thereafter cause said proceedings to be discontinued and abandoned, as hereinafter provided.

Motions for new trial, when made.

SEC. 16. Any person whose property may be taken under the provisions of this act, considering himself aggrieved, may appeal from the judgment of the court, confirming the verdict of the jury, by filing in writing with the clerk of said court, a notice of such appeal, within five days after the confirmation, and serving, within the same time, a copy thereof on the city attorney, and filing a bond in said court, to be approved by the judge thereof, conditioned for the prosecution of said appeal and the payment of all costs, damages and expenses that may be awarded against him in case the judgment and confirmation of the court shall be affirmed.

Appeal.

SEC. 17. In case of appeals, as above, it shall be the duty of the clerk of the court, without delay, to transmit to the supreme court a certified copy of all the files, records and proceedings in the case. And it shall be the duty of the judge of the court, at the request of the appellant, to settle and sign a case showing the testimony taken on the trial, the objec-

In case of appeal clerk of court to transmit to supreme court a certified copy of the case.

tions, rulings and exceptions concerning the same, and the instructions of the court to the jury, with the exceptions thereto, and the same shall be returned to the clerk as a part of the record in the case.

When appeal may be brought.

Prevailing party to be allowed costs and expenses.

SEC. 18. The said appeal may be brought on for hearing at any term of the supreme court, and said court may affirm or reverse the proceedings and may grant a new trial. The said court shall allow the prevailing party his reasonable costs and expenses to be taxed, and all costs and expenses awarded to the city, may be applied on or deducted from the compensation (if any) to be paid to the appellant.

Verdict to be certified to council.

SEC. 19. Whenever the verdict of the jury shall have been finally confirmed by the court, and the time in which to take an appeal has expired, or if an appeal is taken, on the filing in the court below of a certified copy of the order of the supreme court, affirming the judgment and confirmation, it shall be the duty of the clerk of the court below to transmit to the common council a certified copy of the verdict of the jury, and of the judgment or confirmation, and of the order, if any, allowing and taxing the costs and expenses. The common council may, upon the receipt of said report from the clerk, and at any time within three months thereafter, direct the city attorney to abandon and discontinue said proceedings. In case the city attorney shall apply for the discontinuance or abandonment of the said proceedings, the court shall ascertain and determine the reasonable and necessary expenses incurred by each person who has appeared in said proceedings, not exceeding the taxable costs allowed in cases at law in the circuit court of the county, and the same shall be paid to such persons by the city. If the proceedings in such cause shall be discontinued and abandoned by the city, no new proceedings shall be begun or had for opening, extending, widening or straightening such street or alley, or for taking private property for any other purposes authorized under this act, and which proceedings shall be practically the same as those so abandoned within one year after the same shall be so abandoned and discontinued. If said proceedings shall not be so abandoned and discontinued by the city within the time above limited, proceedings shall thereupon be taken for the collection of the sum or sums awarded by the jury. And thereupon the common council may, by an entry in its minutes, determine that the whole or any just proportion of the compensation awarded to owners of real estate by the jury, specifying the amount thereof, shall be assessed upon the owners or occupants of the real estate included within the assessment district, theretofore fixed and designated by said common council, as provided in section two of this title. Such assessment to be made upon the said owners or occupants of said real estate in proportion, as near as may be, to the advantage which each lot, parcel or sub-division is deemed to acquire by the improvement. The assessment roll contain-

Council may direct city attorney to abandon and discontinue proceedings.

If proceedings shall not be abandoned within the time limited, proceedings shall be taken for the collection of sums awarded by the jury.

Assessment.

ing said assessment, when ratified and confirmed by the common council, shall be final and conclusive, and *prima facie* evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same are made, until payment thereof. Whatever amount or portion of such award, or of the compensation paid for such real estate purchased, shall not be raised in the manner herein provided, shall be assessed, levied and collected upon the taxable property of the taxing district in which the street or alley is situated, the same as other general taxes are assessed and collected in said city.

SEC. 20. Within one year after the confirmation of the verdict of the jury, or after the judgment of confirmation, shall, on appeal, be affirmed, the common council shall, unless said proceedings have been abandoned and discontinued as herein provided, cause the city treasurer to pay or tender to the respective persons entitled to receive the same, the damages and compensation awarded for taking such private property, according to the verdict of the jury as finally confirmed: *Provided*, That no such claim shall be assignable to any person, and where any lands of any person to whom damages and compensation has been awarded for an interest in lands taken by the city under such proceedings, or of any person acquiring title under such person subsequent to the filing of the notice of pendency of said proceedings, as herein provided for, shall be assessed to pay any portion of such compensation, the city treasurer shall in all cases deduct from the sums awarded to any such person the sums so assessed against the property of said owner or other person interested respectively, notwithstanding any attempted transfer of such claim or of the property sought to be taken, or of the property so assessed for benefits; and in case any person shall refuse the same, be unknown, or a non-resident of said city, or cannot, with reasonable diligence, be found in said city, or for any reason be incapacitated from receiving his amount, or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case in the city treasury, and shall on demand, pay the same over to any person entitled and competent to receive it, taking receipt therefor. Upon such tender, payment or deposit, the common council may enter upon, take possession of and convert such private property to the uses and purposes for which it was taken, and may remove all buildings, fences and other obstructions therefrom. The treasurer shall make a certificate, verified by his oath, showing his action in making such payment, tender or deposit, and shall file the same with the clerk of the recorder's court, and it shall be *prima facie* evidence of the facts therein stated.

Damages and compensation awarded for taking private property, when paid.

Proviso.

Treasurer to make certificate.

All buildings, fences, and personal property taken by such proceedings, to be sold at auction by city treasurer.

SEC. 21. All buildings, fences and other personal property taken by such proceedings in street opening cases, except that removed by the owner, as otherwise provided shall be sold at auction by the city treasurer. Due publication of such sales shall be made in at least two daily newspapers in said city, for at least five days, and printed notices posted on or near such property at least ten days prior to the day of sale. The amount produced by the sale shall belong to the fund for paying the compensation for property taken, and the common council shall cause such amount to be credited and applied in reduction *pro rata* of the assessment and apportionment made to pay for the property taken.

Fees and compensation of jurors.

SEC. 22. Jurors and witnesses in any proceedings under this act, shall be entitled to receive from the city the same fees and compensation as are provided by law for similar services in an ordinary action at law in the circuit courts of the State.

Council may direct city attorney to move for a new trial or take an appeal.

SEC. 23. The common council may direct the city attorney to move for a new trial, or to arrest, vacate or discontinue the proceedings, or take an appeal to the supreme court, and in any such case the same proceedings shall be had as are hereinbefore prescribed in the case of like proceedings on the part of any respondent.

Before trial shall cause survey of lands to be taken and map to be made certified to by city surveyor.

SEC. 24. Before the trial in any proceeding under this act, the common council shall cause the property to be taken, to be surveyed and staked out, or otherwise marked upon the premises, and shall cause a map or plan thereof, certified to be correct by the city surveyor or person making the same, to be prepared, to be attached to and made a part of the petition herein provided for, the same to be subject to alteration and correction under the direction of the court. The common council in all cases where there shall be a special assessment, shall have authority to advance the sums awarded to the owners or occupants of, or others interested in the property to be taken, and there shall in all cases be deducted from such sums any assessment for benefits made against the property of said owners and others interested respectively. At any sale under this act of the property assessed, the city attorney or in his absence the city treasurer shall have authority to bid in for the corporation any parcel of land for which there shall be no bid from other parties sufficient to cover the amount due from such parcel, including its ratable proportion of the costs and expenses of making such sale, and on any such bid the corporation shall be entitled to all the rights of any other purchaser.

Council shall have authority to advance sums awarded owners interested in property to be taken.

Register of deeds to testify in court who are the owners of aforesaid property.

SEC. 25. It shall be *prima facie* evidence as to who are owners of and persons interested in any property proposed to be taken in the proceedings instituted under this act, if the register or deputy register of deeds of the county shall testify in open court that he has examined the records and titles in his office, and states who such records show are the owners

of and persons interested in such property, and the nature and extent of such ownership and interest, and an abstract of the title of such property, or of any parcel or parcels thereof, certified by the register or deputy register of deeds, shall also be *prima facie* evidence as to ownership and persons having an interest in any such property, and the extent and nature of such interest.

TITLE XVII.

MISCELLANEOUS.

SECTION 1. The common council, mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties upon an official bond, shall require such sureties to make and attach to such bond an affidavit stating the amount and value of the property over and above debts and exemptions, owned within this State by such surety, and surety companies authorized to do business in the State of Michigan, may become surety on any bond.

Duty of council, etc., relative to sureties on bonds.

SEC. 2. The mayor or chairman of any committee or special committee of the common council, shall have power to administer any oath or take any affidavit, in respect to any matter pending before the common council or such committee.

Mayor or chairman of committee may administer certain oaths.

SEC. 3. Any person who may be required to take any oath or affirmation under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit or otherwise, wilfully swear falsely as to any material fact or matter, shall be guilty of perjury.

False swearing deemed perjury.

SEC. 4. No plat of land within the limits of the city of Saginaw, executed as a sub-division thereof or addition to said city, for the purpose of being recorded in the office of the register of deeds, shall be entitled to record without the approval of the common council, and a certificate that it has been so approved, endorsed thereon by the city clerk under the corporate seal of said city. Any person who shall record or offer for record any such plat, without a certificate of the clerk endorsed thereon as above provided, or who shall sell, or offer for sale, any lot, by reference to such plat, before the same has been approved by the common council as above provided, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail of Saginaw county not exceeding ninety days, or both such fine and imprisonment, in the discretion of the court.

No plat of land shall be recorded without the approval of the council.

Penalty for violation.

SEC. 5. All proceedings to raise, assess, levy or collect taxes, either general or special now pending, and generally all municipal business of every description, shall be carried forward and completed under the provisions hereof when practicable, but if not practicable to do so, may be carried forward

All proceedings to raise taxes, etc., to stand.

Presumptive
evidence of
publication of
ordinances.

and completed pursuant to the provisions of this charter, or laws under which the same were first authorized or instituted.

SEC. 6. Proof of the requisite publication of any ordinance, resolution or other proceeding required to be published in any newspaper, by the affidavit of a printer or publisher thereof, taken before any officer authorized to administer oaths and take affidavits, and duly filed with the clerk of said city, or any other competent proof shall, in all courts and places, be presumptive evidence of the legal publication of such ordinance, resolution or other proceeding.

Style of ordin-
ances.

SEC. 7. The style of all ordinances of said city shall be as follows: "Be it ordained by the common council of the city of Saginaw."

Regarding
council grant-
ing franchises.

SEC. 8. The common council shall not grant any special franchise, on any of the streets of said city, until the same has been advertised for sealed proposals, nor for a longer term than thirty years, nor grant exclusive privileges to the use of the streets or public grounds of said city. And the common council shall have power to prescribe rates of specific taxation for all franchises or privileges granted by said common council, and the manner of collection of such specific taxes.

Two-thirds vote
of council may
remit an illegal
tax.

SEC. 9. The common council shall have power, whenever it shall appear that any taxes or assessments have been improperly or illegally made, assessed or collected, by a two-thirds vote of all the members elected, to cause such assessment or tax to be remitted or refunded, but no such action on the part of the council shall in any way affect or invalidate any other tax or assessment assessed, levied or collected in said city.

Fiscal year.

SEC. 10. The fiscal year of said city shall commence on the first day of July of each year, and all annual reports required by this act to be made, shall include all transactions of said city up to and including the last day of June in each year:

Proviso.

Provided, That the fiscal year eighteen hundred ninety-seven shall extend from the first day of March, eighteen hundred ninety-seven, to the last day of June, eighteen hundred ninety-eight, inclusive, covering a period of sixteen months, and to provide sufficient funds to carry such change into effect, the common council is hereby authorized at any time during the fiscal year of eighteen hundred ninety-seven to borrow money upon a temporary loan, not exceeding in all the sum of fifty thousand dollars, when approved by the board of estimates, in addition to the amount of money raised by tax for the fiscal year of eighteen hundred ninety-seven, to defray the general ordinary expenses of said city, including the expenses incidental to the operation of the police department, fire department and poor department of said city for the fiscal year of eighteen hundred ninety-seven. Said loan to be in such amounts and payable at such times as the common council may by resolution direct, the interest upon said loan not to exceed

six per cent. The money to be raised as provided for in this section shall not in any way be affected or limited by section eighteen of title five of this act.

SEC. 11. The common council of said city shall, and as often as they shall deem expedient, cause all the acts and parts of acts of incorporation of said city that may be in force, including such general laws as they may deem necessary for the use of the mayor, aldermen or other officers thereof, together with all ordinances of said city, revised and corrected so as to conform to the provisions of said acts and properly arranged and indexed, to be published in book form and properly certified to by the clerk thereof, and when so compiled and published, the same shall be considered the official copy of all said acts and ordinances. Each officer of said city shall be entitled to use a copy by virtue of his office, and the council may authorize the sale of copies thereof to re-imburse the city for the expense of compiling and publishing the same.

Council to cause laws, ordinances, etc., to be published.

SEC. 12. Each ward shall be an election district by itself, but it shall be lawful for the common council, in its discretion, at any time before the first day of March next preceding any general or municipal election, to divide the several wards of the city, or either of them, in the manner now or hereafter provided by the general statutes of the State, into convenient election districts, for holding elections, and in case of such division, the provisions of the general laws of this State, now or hereafter in force, so far as applicable, and of this act relating to elections shall be applicable to such election districts.

Election districts.

The board of registration in each ward and election district shall consist of two members, to be constituted as hereinafter provided. The common council shall, at least one week prior to any general or municipal election, and in the year when a

Board of registration in each ward.

[re-registration] registration of the electors of said city is made, as provided for in the next section of this chapter, not later than the last Monday in February, appoint such a number of the electors of each ward to act with the aldermen, if any, who are eligible and intend to serve, as shall constitute a board of two in each election district, and in each ward which is not divided into election districts. At the hour appointed for said board of registration to meet, the electors of any ward or election district present at the place of registration may elect *viva voce* an elector of said ward to fill any vacancy on said board, caused by the absence of any member of said board. Every elector shall vote in the ward and district in which he resides, except that an inspector of election in any district may vote in any district where he is acting as inspector.

To be appointed by the council.

Vacancies in board of registration, how filled.

SEC. 13. The common council of said city shall cause a session of the board of registration of each ward or election district of said city to be held on the first Monday in March, in the year eighteen hundred ninety-nine, and on the first

Registration of electors.

Monday in March in every fourth year thereafter, for the purpose of making a re-registration of the qualified electors of each ward or election district in said city, and for such purpose, the aldermen of each ward, or electors thereof to be appointed, as provided by the preceding section, shall constitute the board of registration of such ward, and in case any of the wards shall be divided into election districts, the common council may appoint the necessary number of electors of said ward to act as a board of registration for any election district which would otherwise be without such board. Said board shall cause a like notice of such meeting and registration, and of the time and place of holding the same, to be published and printed in like manner, and for the same period as is required by section two of act number one hundred seventy-seven, of the session laws of eighteen hundred fifty-nine, entitled "An act further to preserve the purity of elections, and guard against the abuses of the elective franchise by a registration of electors, approved February fourteenth, eighteen hundred and fifty-nine, being paragraph eighty-five of Howell's Annotated Statutes, and the acts amendatory thereof. The said several ward or district boards shall be in session on the first Monday in March as aforesaid, and for not less than two nor more than five days thereafter, from nine o'clock in the morning to one o'clock in the afternoon, and from four o'clock to eight o'clock in the afternoon, and shall be provided with the proper blank books for registering the names of voters of the form heretofore used, and shall have the same powers and perform the same duties as are conferred upon or required of boards of registration under the act aforesaid, and the same rules and requirements shall be observed in such registration, in all respects, as were required in the original registration under said act, except however, as said powers, duties, rules and requirements are changed by this act. When such registration shall be completed, the former registry of electors in such ward or district shall thenceforth be deemed invalid and shall not be used at the ensuing elections. No person shall vote at any public election in such wards or districts, after such re-registration, whose name shall not be registered anew, under the provisions of this section, or be afterwards properly entered on such new register, according to the provisions of the act aforesaid or of this act.

Notice of.

Time of meeting.

Powers of board of registration.

Former registry of electors.

Board to review registration lists.

How names to be entered on register.

SEC. 14. At the sessions of the board of registration in the several wards or election districts, except in a year in which a new registration has been made, they shall review and complete the list of qualified voters, as provided by law, and in order to prevent, so far as possible, the blotting, mutilation or disfigurement of said registration of electors, it is enacted that no name shall be entered in such registers, excepting in the handwriting of one of the board of registration, and then only by direction of the proper board during its session, and

no member of said (board) shall write or make an entry in said register, excepting the same be permitted by law, and no other person shall make any entry or mark whatever therein, excepting inspectors of election, as provided by this act: *Provided*, That any elector desiring to enter his name in his own handwriting may do so, if the board shall have decided that such elector is entitled to be registered, but when any person shall have ceased to be an elector of any ward or election district, the board of registration for such ward or district at its session may note the fact in red ink across the name of such elector, in addition to the marks provided to be set opposite his name by law. No name shall be entered in said register, excepting upon the personal application of an elector, who shall appear at the place of registration, desiring his name to be registered, and upon due examination made, as required by law. The name of no person but an actual resident of the ward or district at the time of the registration, and entitled, to remain such resident, to vote at the then next general or charter election, shall be entered in the register. The board of registration in each ward and district, shall require each applicant for registration to state whether he has previously been registered in, or resided in any other ward or district. Each board shall make a separate list of the new registrations made at their then session, particularly specifying in such lists those who have previously resided, or been registered in any other ward or district, noting the previous place of residence of such person, and shall deliver such separate list to the city board of registration, at its session hereafter provided to be held.

Proviso.

What name to be entered on register.

Applicant to state whether he has been previously registered.

SEC. 15. The board of registration, which shall be composed of the members of the boards of registration assigned to the several wards and election districts of the city shall, in the year in which a re-registration shall be held, assemble at the common council chamber on the Monday preceding any election to be held in said city, excepting special elections, held for the election of ward officers, at nine o'clock in the forenoon. On the organization of said city board, by appointment of a chairman and clerk, said city board shall proceed to examine the register of electors of the several wards and districts of said city; said board may correct any errors appearing therein, but no new name shall be added thereto, or marked so as to indicate that any person has ceased to be an elector in any ward or district, excepting as provided in this section. Whenever said board shall find that any person has registered in two or more wards or districts of said city, the board shall ascertain the ward or district in which such person is entitled to be registered, and shall indicate in the register of any other ward or district the fact that such person is not entitled to vote in such other ward or district, retaining the name of such person in the ward or district in which such person is entitled to vote; said board may register any person

In case of a re-registration, proceedings.

Proviso as to
statement of
applicant for
registration.

applying to be registered in the ward or district in which such person is entitled to vote; said board may register any person applying to be registered in the register of the district or ward in which said applicant resides: *Provided*, Said board shall require such applicant to state positively, on oath or affirmation, which oath or affirmation any member of such board may administer, to answer to such questions as shall be asked him, touching his right to be registered by said board, that he has resided in such ward or district at least (twenty) days preceding the session of said city board, designating particularly the place of his residence, and that he possesses the other qualifications of an elector under the constitution, stating such qualifications; and that owing to the sickness or bodily infirmity of himself, or some near relative residing in the same household (giving the name of such relative) or owing to his absence from the city on public or official business, or on his own business, and without intent to avoid or delay his registration during the then last session of the board of registration in the ward or district in which he resides, he has been prevented from causing his name to be previously registered, or that he was not registered in the ward or district of his then residence, during the then last session of the board therein, because of his not having resided in such ward or district (twenty) days prior to the conclusion of the said session of said board and that he moved into the said ward or district (stating the time he so moved) and has continued since to reside therein, with intent to become a resident thereof, and if, furthermore, some qualified elector of said city, and not a candidate for office at the then approaching election, shall take an oath before said board, which oath any member of said board may administer, that he has in fact resided in said ward or district at least (twenty) days prior to the then session of said city board, and that he has good reason to believe, and does believe, that all the statements of such applicant are true. Said board may question such applicant or qualified elector as they may think proper, in order that they may be satisfied of the truth of such statement. If they shall deem such applicant a qualified elector of such ward or district, and entitled to be registered, they shall direct the chairman of the board to register the name of the applicant, with the date of registration and his place of residence, in the register of the ward or district in which he is entitled to vote. Said board may employ an interpreter in case either said applicant or qualified elector shall be unable to speak the English language, who shall be sworn by one of said board to truly interpret the oath to said applicant and elector, and to interpret to them said questions and the answers made thereto to said board. If such applicant, or such qualified elector, shall in such manner wilfully make any false statement, or if said interpreter shall wilfully and falsely mis-state such oath, questions or answers, he shall

In case elector
makes a false
statement.

be deemed guilty of perjury, and on conviction be subject to the pains and penalties thereof. No name shall be added to any of said registers by said city board of registration, or entries made therein by said board, unless at least one member of the board assigned to the ward or district in the register of which said name is added or entry made shall be present.

SEC. 16. When any person shall apply to the inspectors of any election, excepting special elections for ward officers, who has not been registered by said inspectors, alleging that he was absent during the last session of the board of registration of the ward or district, said inspectors shall require such applicant to state, on oath, in addition to the statement required by section fourteen, of said act number one hundred and seventy-seven, approved February fourteen, eighteen hundred and fifty-nine, that he was absent from the city during said session, and during the session of the city board of registration on the Monday preceding such election.

How electors failing to register at the proper time may be registered.

SEC. 17. When the common council shall order a special election to be held in any of the wards of said city, for the election of ward officers, said council, by resolution, shall direct the city clerk to notify the board of registration that last held its session in said ward, to review and complete the list of qualified electors of said ward, on a day and at a place to be named in said resolution. Notice of the time and place of such session of said board shall be published in at least one of the daily newspapers published in said city, for at least four successive days prior to such session. It shall not be necessary to insert in such notice the names of the registered electors, or post hand bills containing the same, as in case of general or charter elections. The provisions of the aforesaid act number one hundred seventy-seven, and of this act, or so much thereof as may be applicable, shall govern and regulate the action of said board, each member thereof and all other persons, in reviewing and completing the register of electors at such session; and all persons are hereby made liable to the penalties prescribed therein for any violation of the same at such session, as if the same were here enacted. In case there shall be any vacancy in the then board for such ward or district, the same shall be filled as provided by law.

Meeting of board previous to special election.

Certain acts not necessary in case of special elections.

SEC. 18. All punishment for offenses against the ordinances of the common council, shall be prescribed in the ordinance creating or specifying the offense to be punished, and no penalty or forfeiture shall exceed one hundred dollars, no fine shall exceed one hundred dollars, and no imprisonment shall exceed the period of ninety days.

Punishments to be prescribed by ordinance specifying offense.

SEC. 19. The newspaper published in the said city of Saginaw which shall be designated by the common council to publish the official proceedings of said common council shall be the official paper of said city during the time in which

Official paper of city.

Proviso.

it shall continue, by order of said council, to publish such proceedings: *Provided*, That in case the said proceedings shall be ordered published in more than one such newspaper, the said council shall then designate one of them as such official newspaper.

Union school district of Saginaw to continue as now organized.

SEC. 20. The union school district of the city of Saginaw shall continue as now organized, and shall retain in all respects its powers, property, system of officers and mode of elections, and shall bear and pay its indebtedness and expenses in the same manner, as prior to the passage of this act:

Proviso.

Provided, That the statements of the sums voted by the board of trustees of said district, or by the electors of said district at any district meeting or meetings, shall be transmitted by the secretary of said board to the board of estimates of said city on or before the first Monday in May of each year, and it shall be the duty of the assessor to apportion and assess so much of the sum or sums so voted to be raised as may be approved by the board of estimates, and certified to him from the common council upon the taxable property in the western taxing district of said city, according to the valuation of the taxable property therein in the first general tax roll thereafter made. The assessment for such tax shall be in a separate column in said tax roll, and the same shall be collected at the same time and shall be and remain a lien on the property on which the same is levied; and the treasurer of said city shall have the same authority and may resort to the same mode of proceedings, by virtue of said roll and the warrant annexed thereto, to collect the same as the other taxes therein contained.

Assessment of sums voted.

Tax to remain a lien.

School taxes of Saginaw, east side, to be assessed upon eastern taxing district.

SEC. 21. The amounts authorized to be raised by tax for school purposes by the board of education of the city of Saginaw, east side, as at present constituted, shall be transmitted by the secretary of said board to the board of estimates of said city on or before the first Monday in May of each year, and it shall be the duty of the assessor to apportion so much of the sum or sums so authorized to be raised, as may be approved by the board of estimates and certified to him from the common council, and he shall assess the same in the manner required by this charter upon the nine wards constituting the eastern taxing district thereof, and the same proceedings shall be taken for the assessment and collection of all the taxes spread for such school purposes, as herein provided for the assessment, and collection of the general city tax proper, and when collected the same shall be paid into a separate fund, to be denominated the "school fund of the eastern taxing district," and the same shall be held by the treasurer, subject exclusively to the order of said board of education.

Disposition of funds collected.

Consolidated city to assume bonds for construction of court house.

SEC. 22. The said consolidated city of Saginaw shall assume and shall pay by general taxation upon the whole city, the bonds heretofore issued by the former city of Saginaw, for the purpose of constructing or aiding in the con-

struction of the Saginaw county court house, and such bonds are hereby made a charge upon the said consolidated city, with the same force and effect as if the same had been issued by said city, and payment thereof shall be made, both principal and interest, as the same shall become due in the same manner as if said bonds had been issued by said city. And said city shall have the power to issue bonds in the place thereof, for the purpose of retiring the same.

SEC. 23. The appointment of the members of the board of public works, public health, assessment and review and police commissioners shall be so made that both taxing districts shall at all times be represented on said boards by one or more members resident within such taxing district.

Both taxing districts to be represented on the city boards.

SEC. 24. This act shall not effect the corporate existence, property or powers of the board of education of the city of Saginaw, east side, nor of the union school district of the city of Saginaw, except as herein otherwise expressly provided.

Not to affect the board of education or union school district.

SEC. 25. The moneys which shall, at the time this act takes effect, be in the treasury of the city of East Saginaw, shall belong to the eastern taxing district, and the taxes for city purposes which shall then have been levied in said city and remain uncollected, shall remain valid and be collected in like manner as before this act was passed, and when collected shall be credited to the general fund of said eastern taxing district, except school and highway taxes which shall be credited to the school and highway funds of said district. The moneys which shall, at the time this act takes effect, be in the treasury of the present city of Saginaw, shall belong to the western taxing district, and the taxes for city purposes which shall then have been levied in said city and shall remain uncollected, shall remain valid and be collected in like manner as before this act was passed, and when collected shall be credited to the contingent fund of said western district, except school and highway taxes, which shall be credited to the school and highway funds of said district.

Money in the treasury of East Saginaw to belong to the eastern taxing district.

Money in the treasury of the city of Saginaw to belong to the western taxing district.

SEC. 26. The provisions of this act relating to the payment, by the separate taxing districts, of the liabilities heretofore incurred, the payment of the bonds heretofore issued by the city of Saginaw for the construction or to aid in the construction of the Saginaw county court house, the construction of the city hall, within the limits herein provided for, and the issue of bonds therefor, are to be taken and construed as fundamental conditions of the nature of a contract between the two cities of East Saginaw and Saginaw hereby consolidated, and shall not be abrogated or changed without the concurring assent first given of a majority vote of all the aldermen elected in each of the said taxing districts as herein constituted, by vote recorded at a meeting of the common council called for that purpose, of which due public notice shall be given.

Liabilities incurred by the separate taxing districts shall not be changed save by a majority vote of the council.

Not to change boundaries of representative districts.

SEC. 27. This act shall not change in any respect the boundaries of the first and second representative districts of the county of Saginaw, as they exist prior to the passage of this act, and shall not change the manner of electing representatives in such districts.

Term "present city of Saginaw."

SEC. 28. The terms "present city of Saginaw," as used in this act, refers to the city of Saginaw existing prior to the passage of this act.

Officers and terms of office.

SEC. 30. At the same election there shall be chosen in each ward an alderman for the term of two years, one constable for the term of one year, and in each of the nine wards upon the east side of the river, there shall be chosen one school inspector for the term of two years, and in each ward in said cities having a supervisor, whose term of office expires in eighteen hundred and ninety, one supervisor for the term of two years.

Officers to hold their offices as if act had not been passed.

SEC. 31. The aldermen, school inspectors and supervisors of the present cities of Saginaw and East Saginaw, now holding office, and whose term of office would not, except for this act, expire until eighteen hundred and ninety-one or eighteen hundred and ninety-two, shall continue, without new election, to hold the several offices for which they were elected as officers in their respective wards of the consolidated city, and shall exercise in their capacity as such officers, such powers and duties as by this charter shall appertain to the several offices by them so held, and upon the expiration of the respective terms of office of the officers herein specified, successors for the same shall be elected for the full term of office, specified in section four of title two of this act.

Officers chosen, when to qualify and assume office.

SEC. 32. All the officers chosen at such election shall qualify in the manner provided in this act for officers chosen at elections subsequently held, and shall enter upon their respective offices within ten days thereafter, and together with the officers holding over as above provided, shall be deemed to complete the organization of the municipal government of the consolidated city, and thereupon the tenure of all the several elective officers of said cities of Saginaw and East Saginaw, who are not by the provisions of this act expressly declared to hold over shall be at an end, and such officers shall forthwith turn over to the proper officers of the consolidated city so chosen, all the books, records, property, moneys and effects pertaining to the respective offices so vacated.

How canvass of votes to be made.

SEC. 34. The result of the canvass of the votes at such election, shall be certified by the inspectors of election in the several wards and election districts upon the east side of the Saginaw river, to the city clerk of the city of East Saginaw, and shall be certified by the inspectors of such election in the several wards and election districts upon the west side of the Saginaw river, to the then controller of the city of Saginaw; such officers shall deliver such certificates to the

board of canvassers, as provided in the following section, at the meeting thereof.

SEC. 35. The common council of the city of Saginaw and of the city of East Saginaw together, a majority of whom shall constitute a quorum, shall constitute a board of canvassers to canvass and declare the result of such election. Such board shall meet at the common council rooms of the present city of Saginaw on the Wednesday next succeeding such election, at ten o'clock in the forenoon, and canvass and declare such result in the same manner as herein provided for subsequent charter elections.

Who to canvass votes of the city.

SEC. 36. The members of the common council for the consolidated city, shall meet and hold the first meeting of such common council at a time and place to be designated by the mayor elect of said city, said meeting to be called and held not later than the third Monday in March, eighteen hundred and ninety.

Council of consolidated city, when to meet.

SEC. 37. Upon the consolidated city becoming organized by the election and qualifications of the officers elected at the election to be held on the first Monday in March, eighteen hundred and ninety, as hereinbefore provided, all former acts relating to the present cities of East Saginaw and Saginaw, inconsistent with the provisions of this act, shall thereupon be superseded and repealed, but such repeal shall not be construed to affect the act providing for the incorporation of the board of education of the city of East Saginaw, and such board shall remain as at present constituted, with all the rights and powers now possessed by it, except as the same may be otherwise expressly provided by this act, and such repeal shall not affect any act or right secured, created or established, or the title of any property acquired, or any proceeding or transaction, tax, assessment, contract or public improvement had or commenced prior to the time this act takes effect, but every such act, claim, right or proceeding shall remain as valid and effectual as if this act had not taken effect.

When and what acts to be superseded and repealed.

SEC. 38. Until the appointment and qualification of the several officers and members of the various public boards which under this act are appointed or elected by the mayor or common council, the several officers of the city of Saginaw and East Saginaw shall continue in office, but immediately on the qualification of the officers herein specified, the terms of their offices shall be wholly at an end, and all books, papers, records and property of every description appertaining to such offices and boards, shall be forthwith turned over to the custody and control of the officers and boards elected or appointed under this act.

Officers to continue in office until successors are elected and qualified.

SEC. 39. All ordinances, by-laws, regulations, resolutions and rules of the common council of the city of East Saginaw and Saginaw now in force, and not inconsistent with this act, shall remain in force, until amended or repealed by the

Certain by-laws, etc., to remain in force.

common council under this act, within the respective territories for which they were originally adopted.

How payment
for public prop-
erty to be equal-
ized.

SEC. 40. To equalize the payment for public property within the two taxing districts, the expense of the construction of police headquarters or station, and of storage buildings for the use of the fire, street or other department within the western taxing district, shall be borne exclusively by said district, to the extent of the sum of six thousand dollars, after which all expenditures for such purposes shall become a general city charge.

Procuring site
for city hall.

SEC. 41. For the purpose of procuring the site for the city hall, provided for in section twenty-four of title V of this act, proceedings may be taken under and in pursuance of the provisions of act number one hundred and twenty-four of the session laws of eighteen hundred and eighty-three, entitled "An act to authorize cities and villages to take private property for the use or benefit of the public, and to repeal act number twenty-six of the public acts of eighteen hundred and eighty-two," approved May thirty-first, eighteen hundred and eighty-three, and the act amendatory thereof.

Property to be
held for the
benefit of the
eastern taxing
district.

SEC. 42. The following property owned by the city of East Saginaw, viz.: Lots three, four, five, six, seven, eight, nine and ten, in block sixty-eight of Hoyt's plat of East Saginaw, is reserved to the city of East Saginaw, and unless sold or disposed of by said city before this act shall take effect, said property shall be held and disposed of by the consolidated city for the sole benefit of the eastern taxing district: *Provided, however,* That said common council may cede or dispose of, by deed (of) or gift, any or all of said lots to the United States for the purpose of public buildings and grounds of said United States.

Proviso.

Title to prop-
erty of the city
of Saginaw to
belong to the
western taxing
district.

SEC. 43. The right, title and interest to all property now belonging to the city of Saginaw, shall be and remain in said city of Saginaw, and all actions, causes of [action] actions, rights and obligations of the city of Saginaw, to all persons and corporations, or of persons and corporations to the said city of Saginaw, shall be and are hereby preserved and saved to said city of Saginaw, and to each, every and all persons and corporations having, owning or possessing the same, and all suits now pending in favor of or against said city, shall stand and survive for or against said city of Saginaw unimpaired by the enactment of this charter; and the city of Saginaw, shall be subject to the same liabilities and entitled to the same recoveries therein as if this act had not been made, and nothing herein shall in any way affect the tenure of any officer of said city of Saginaw, except as herein expressly provided.

TITLE XVIII.

BOARD OF ESTIMATES.

SECTION 1. The board of estimates in and for the city of Saginaw is hereby created, to consist of five members, three from the eastern taxing district and two from the western taxing district, who shall be appointed by the common council upon the nomination of the mayor. The members of said board first appointed shall hold their offices for the term of one, two, three, four and five years respectively, and until their successors qualify. The term of office of the members of said board appointed thereafter shall be five years. They shall serve without pay. The said board shall be first appointed as soon as may be after this act takes effect, and the term of office of the member appointed for one year shall be deemed to expire upon the qualification of his successor, who shall be appointed as provided in section five, title two, of the charter of said city. The members of said board shall be citizens and resident electors and taxpayers of said city. Said board shall elect one of their number president of said board, who shall preside at its meetings, and who shall hold his office until the annual appointment of members of said board. If he is absent or incapacitated from performing his duties, the board shall appoint a president *pro tempore*. The city clerk shall keep a record of its proceedings. The meetings of said board shall be held in a suitable room in the city hall, to be provided by the common council. If no provision is made then they shall be held in the common council chamber. Said board shall meet annually on the first Monday in May, at ten o'clock in the forenoon, and other meetings shall be held on call of the president, or on written notice of a majority of the members of said board delivered to the clerk. The board may adjourn from time to time, and in case no quorum shall be present at the appointed time of meeting, those present shall adjourn such meeting to some future time, and from time to time until the business referred to it by the common council is disposed of, and it shall not be necessary after the common council has referred to the board of estimates any resolution or proceedings which under the charter is required to be referred to said board, to again call a meeting of said board of estimates, but it shall dispose of such matters without further call from the common council. The board shall have the right to call upon the common council, or upon any officers or boards of the corporation, for any information which it may require, or for further reports for the purpose of estimating any amount to be raised, or in reference to any other matters pending before such board. And such board or officer shall furnish the same as soon as

Board of estimates for the city of Saginaw.

Term of office of.

Members of board to be citizens and resident electors and taxpayers.

President and president pro tempore.

Record of proceedings.

Place of meeting. Meeting of board.

May call upon the council for certain information.

May inspect
official books
and papers.

Estimates of
the council and
boards of edu-
cation to be
submitted to
board of esti-
mates.

Estimates for
general city
taxes, when
to be submit-
ted to board of
estimates.

Majority of
board required
to approve
estimates.

Votes approv-
ing or disap-
proving of any
estimates, or
increasing the
amount thereof,
shall be taken
by yeas and
nays.

Statement of
amounts to be
raised by tax-
ation.

possible after such request. It shall also have the right to inspect the official books and papers of said officers or boards.

SEC. 2. Before any money shall be raised, or taxes levied and collected, for the purpose of the several funds mentioned in the charter of the city of Saginaw, or for school purposes in said city, the estimates of the common council, the board of education and the union school district, of the amount of moneys required for such fund or purposes shall be submitted to said board of estimates for approval, and before any bonds or other evidences of indebtedness shall be issued by the city or any board thereof, said issue shall be approved by said board of estimates, unless they have been authorized by vote of the people, as provided in said charter. The estimates for the general city taxes shall be acted upon by the common council as provided by the charter, and shall be submitted to the board of estimates on the first Monday in May, at which time the board of education and union school district shall each submit to said board its estimates for school purposes, to be considered by the board and reported by it to the common council on or before the third Monday of May. The said board shall carefully consider all estimates required by this act to be submitted to it, of moneys to be raised as afore-said, and shall approve or disapprove of the same. It may decrease the amount to be raised, but shall not increase the same, and may approve, subject to the conditions of this act, the sale of bonds of said city, or boards thereof, when thereto authorized by law. The majority of all members of said board shall be required to approve of any such estimates for the raising of taxes, or any part thereof, or for authorizing the issue of any bonds or other evidences of indebtedness against said city, except when the same are authorized by a vote of the tax paying electors of said city, as provided by its charter.

SEC. 3. All votes of said board approving or disapproving of any estimates, or decreasing the amount thereof, or the authorizing or disapproving the issuing of bonds, shall be taken by yeas and nays, and entered upon the record of its proceedings. After the said board shall have considered the said matters required to be submitted to it, it shall cause a statement of the amounts approved by it to be raised by taxation or issue of bonds, and the fund or purpose for which it is raised to be made, which statement being adopted by a majority of the members elect of the board, shall be then signed by the president and clerk of the board, and shall be transmitted to the common council, and only so much of such estimate or amounts to be raised by taxation as shall have been approved by said board, shall be raised and collected in said city, and only such bonds and other evidences of indebtedness against said city shall be issued as shall be authorized by said board as herein provided, or as shall have been author-

ized by a vote of the people of the city, or the taxing district affected thereby, in accordance with the provisions of the charter of said city. The common council of said city, upon the approval of said estimates, or any part thereof, by said board, may cause to be levied and collected by general taxes the amount thereof so approved, in the manner in this charter provided, and may issue any bonds so authorized to be issued by said board as aforesaid: *Provided*, The amount approved by said board of estimates for school purposes, for interest and sinking fund, and for the purpose of paying the street improvement and sewer bonds and the interest thereon, as provided in section twenty-one, title VI, and section thirteen, title X, of said charter, shall be levied in full. All acts or parts of acts in any wise contravening the provisions of this title, in so far as they are inconsistent therewith, are hereby repealed.

Council to
cause tax to
be levied and
collected.

Proviso.

Acts repealed.

SEC. 4. No money shall be raised by taxation in the eastern taxing district of said city for school purposes as provided in sections ten and eleven of an act, entitled "An act to amend and revise act number four hundred twenty of the local acts of one thousand eight hundred eighty-one, entitled "An act to revise an act entitled an act to incorporate the board of education of the city of East Saginaw," approved June seventh, one thousand eight hundred eighty-one, as amended by act three hundred and thirteen of the local acts of one thousand eight hundred eighty-five, approved April second, one thousand eight hundred eighty-five, and as further amended by act four hundred and fifty-eight of the local acts of one thousand eight hundred eighty-nine, approved June twenty-ninth, one thousand eight hundred eighty-nine, and to change the name of said board from "the board of education of the city of East Saginaw," to "the board of education of the city of Saginaw, east side," approved April thirtieth, one thousand eight hundred ninety-five, until the estimates therefor have been submitted to the board of estimates, and the same have been approved and certified to by said board as in this title provided. All the provisions of this title shall apply to the estimates for school purposes and money and funds to be raised therefor in like manner and with the same force and effect as it applies to other funds and estimates therefor to be raised or borrowed for any purpose by said city or any board thereof. The provisions of this act shall apply to the estimates for school purposes in said eastern taxing district for the year one thousand eight hundred ninety-five, as well as for subsequent years, and the action of the said board of education of the city of Saginaw, east side, in submitting the estimates for the year one thousand eight hundred ninety-five for school purposes to said board of estimates and the approval thereof by said board, is hereby legalized and confirmed. All acts or parts of acts in any wise contravening the

Regarding
money raised
by taxation for
school pur-
poses.

Acts repealed.

provisions of this act in so far as they are inconsistent herewith are hereby repealed.

TITLE XIX.

LIGHTING.

Gas, electric
or other light-
ing.

SECTION 1. The city of Saginaw may acquire by purchase, or may construct either independently or in connection with the water works of the city, either within or without the city, works for the purpose of supplying the city and the inhabitants thereof with gas, electric or other lighting, at such times and on such terms and conditions as are herein provided. Whenever the common council of said city shall declare by resolution that it is expedient for such city to acquire by purchase, or to construct works for such purpose, the common council shall have power to take such action as may be deemed expedient therefor.

Estimate of
amount re-
quired for
supplying
the city with
gas, electric
or other light,
to be submitted
to a vote of the
taxpayers.

SEC. 2. If the common council shall declare that it is expedient for the city to acquire by purchase, or construct as the case may be, works for the purpose of supplying the city and the inhabitants thereof, either with gas, electric or other light, then the common council shall cause to be made and recorded in their proceedings an estimate of the expenses thereof, and the question of raising the amount required for such purposes, shall first be submitted to a vote of the taxpayers of said city, at some special election, as provided in section two, title V, and such proposition must be sanctioned by a majority of the taxpaying electors before any money shall be raised or expended for such purpose.

Special elec-
tion.
Majority.

May issue
bonds.

SEC. 3. When authorized thereto, as provided in the last section, the city may issue its bonds for any sum not exceeding one hundred thousand dollars, for the purpose of raising money for the purchase or construction of said plant to be used exclusively for that purpose. The common council shall have the power to fix the time and place for the payment of principal and interest of the debt, contracted under the provisions of this title, and the rate of interest thereon shall not exceed six per cent. per annum, and such bonds shall be sold for not less than their par value. The proceeds of said bonds shall be placed in a separate fund, to be known as "the lighting fund," and shall be used exclusively for the purpose for which they were authorized, and in no other manner. The total amount expended for the purchase or construction of such lighting works shall not exceed the amount of the estimate of expenses therefor, provided in section two of this title. Any surplus that may remain in said fund after the construction or purchase of said works, may be used for the main-

Time and place
for payment of
principal and
interest.

The lighting
fund.

Surplus.

tenance thereof. All expense of maintaining said works and the repairs and extensions thereof, shall be chargeable to and paid from the lighting fund only. If constructed or purchased as a separate plant, it may be placed in the hands of the lighting commissioners, appointed in the same manner, and who shall hold their offices for the same term as is herein provided for the appointment of members of the board of estimates, or it may be placed under the charge and control of the board of public works.

Expense, etc., to be paid from lighting fund only.

When works to be under control of lighting commissioners.

SEC. 4. The common council may by ordinance prescribe the management of said works, and for the care, protection, preservation and control thereof, and of all the property connected therewith or belonging thereto, and to carry into effect the provisions of this title and fix such just and equitable rates as may be deemed advisable for supplying the inhabitants of said city with lights, and shall annually, on the first Monday in June, fix such rates for the ensuing year. And all officials and appointees shall be paid in the same manner as those of other city officials, but such expenditures shall be chargeable to said lighting fund only. [All the provisions of the charter of the city of Saginaw, and all acts and parts of acts, inconsistent herewith are hereby repealed.]

Council to prescribe the management of said works.

Acts repealed.

This act is ordered to take immediate effect.

Approved June 2, 1897.

[No. 466.]

AN ACT to amend an act, entitled, "An act to organize the union school district, of Bay City." Approved March twenty, eighteen hundred and sixty-seven, by adding a new section to stand as section twenty-one.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act to organize the union school district of Bay City," approved March twenty, eighteen hundred and sixty-seven, and the acts amendatory and revisionary thereof, are hereby amended by adding a new section to stand as section twenty-one.

Act amended.

SEC. 21. The union school district of Bay city is hereby authorized and empowered to convey to the city of Bay City the land known as block two hundred and sixty-eight in Farmer's plat of Portsmouth in said Bay City, with or without consideration as said school district shall determine at the next annual school meeting after the passage of this act, for such uses as said city may make of the same.

Union school district authorized to convey certain land.

This act is ordered to take immediate effect.

Approved June 2, 1897.

[No. 467.]

AN ACT to provide legal counsel for the board of county road commissioners of Bay county, and to require the prosecuting attorney of Bay county to act as legal counsel and adviser of said commissioners.

Prosecuting
attorney shall
be counsel for
county road
commissioners.

Salary of.

SECTION 1. *The People of the State of Michigan enact*, That the prosecuting attorney for the county of Bay by virtue of his office, shall be the legal adviser and counsel of the county road commissioners of Bay county, and shall bring all suits brought by, and defend all suits brought against said commissioners and shall counsel and advise said commissioners on all legal questions which come before the same. The salary of said prosecuting attorney to be fixed by the board of supervisors and shall cover and include his compensation for the services performed under this act.

This act is ordered to take immediate effect.

Approved June 2, 1897.

[No. 468.]

AN ACT to amend the charter of union school district, Saginaw West Side.

May sue and be
sued.

SECTION 1. *The People of the State of Michigan enact*, That the western taxing district of the city of Saginaw shall constitute one school district which shall be a body corporate, by the name and style of "union school district of the city of Saginaw," and by that name may sue and be sued, and shall be subject to all the general laws of this State relative to corporations, so far as the same may be applicable, and such district shall have all the powers and privileges conferred upon school districts by the general laws of this State, all the general provisions of which, relating to common or primary schools, shall apply and be in force in said district, except such as shall be inconsistent with this act, or with the by-laws and ordinances of the board of education hereinafter mentioned, made in pursuance of this act.

Schools open to
all children
actual resi-
dents.

SEC. 2. All schools organized in said district under this act, shall be open to all children, actual residents within the limits of said city in the western taxing district between the ages of five and twenty-one years, inclusive, and to such other persons as the said board shall admit.

SEC. 3. The officers of said district shall consist of six trustees, to be called the board of education; and the term of office of said trustees shall be three years, two of whom shall be elected annually on the first Monday of June in each year; and within ten days after each annual election the trustees shall meet and elect from their own number, a president, secretary and treasurer, who shall severally hold their offices for one year, and until their successors shall be elected and qualified, and may at any time fill, by a new election, any vacancies that may occur in either of said offices; and their powers and duties shall severally be the same as those of the moderator, assessor and director, in school districts organized under the general laws of this State, except as the same are varied by the provisions of this act, and the ordinances and by-laws of said board. The secretary and treasurer shall receive such compensation as said board shall direct. The trustees shall be elected by ballot and the two trustees to be elected may both be voted for at the same time, and on the same ticket, the two persons receiving the greatest number of votes respectively, shall be considered and duly declared as elected. In case there is a vacancy to fill at any election the ballot to fill such vacancy may be taken at the same time as the ballot for the election of the trustees, and the ballot to fill such vacancy shall indicate that it is to fill a vacancy, and the person receiving the highest number of votes to fill such vacancy shall be considered [and] as duly declared as elected. The board of education shall have power to call such annual meetings for such hour of the day as to them may seem best, and for providing that the polls for the election of trustees, whether regular trustees or to fill a vacancy, may be kept open during such meetings for such length of time, as may seem best, but such polls shall be kept open for at least four hours. The board shall also have power to fix an hour during said day at which the general business of said meeting, other than the election of trustees, shall commence. The board shall have power to provide for more than one polling place, and in the event of providing for more than one polling place shall determine the division of the district for such purposes. At all elections there shall be a board of inspectors consisting of at least one member of the board of education and two tax paying citizens who shall be selected by the board of education previous to such election. The two citizens thus chosen shall take the oath prescribed to be taken by inspectors of election in the form prescribed in the first section of the eighteenth article of the revised constitution of this State, which oath shall be administered by the president of the board or by a notary public. The polls shall be kept open for such length of time, not less than four hours as the board may prescribe from time to time, and the reports from each polling place, if more than one is established, shall be made to the board, and shall be

District to consist of six trustees, called board of education.

Duties of.

Compensation.

Elected by ballot.

Vacancy, how filled.

May call annual meetings.

To provide polling places.

To be member of board of education.

canvassed by the board at such time and in such manner as the board shall prescribe.

Secretary of,
to give notice
of annual and
special elec-
tions.

SEC. 4. The secretary of said board shall give at least ten days previous notice of the annual and all special elections of said district by posting notices thereof, specifying the hour, place and object of holding the same, in at least three public places in said city; and a copy of such notice shall be recorded in the book in which the records of the proceedings of such elections shall be kept, and such record shall be *prima facie* evidence that due notice of such election has been given according to its terms.

Power to fill
vacancies.

SEC. 5. Said board of education shall have power to fill all vacancies that may occur in the office of trustee until the next annual election of the district; and each trustee within ten days after notice of his election, whether elected by said district or by said board, shall file with the secretary an acceptance of office in writing.

Treasurer of
district to give
bond.

SEC. 6. The treasurer of said district shall, before entering upon the duties of his office, give a bond to said district, in such sum and with such surety or sureties as the said board shall approve, conditioned for the faithful performance of the duties of his office, which bond shall be filed with the secretary.

Shall receive
all moneys be-
longing to dis-
trict.

SEC. 7. The treasurer shall receive and hold, subject to the order of said board, all moneys belonging to said district from whatever sources derived, and it shall be the duty of the county treasurer and the treasurer of said city to pay over to him on his application therefor all money that shall come into their hands, respectively, belonging to said district: *Provided, however,* That said board shall have power to enter into a contract with any bank, banker or bankers doing business in the city of Saginaw, to receive on deposit and pay interest on any money in the treasury of said district, and to receive from any such bank, banker or bankers such security by way of bonds or otherwise for the safe keeping and prompt paying over of such money and the interest thereon by the order of such treasurer as said board may by resolution demand and approve, such contract and the security for the faithful performance thereof being made and approved by said board and filed with the secretary, and such contract and security being entered and recorded at length upon the record of said board of the proceedings at the meeting at which the security was approved. Said board shall have the power by resolution to direct said treasurer to deposit with such bank, banker or bankers, all moneys of said district, in and thereafter coming into his hands during the time fixed in such contract, and said treasurer and his bondsmen shall not be liable for any loss the district may sustain from or by reason of any defalcation of such bank, banker or bankers. In any contract for the deposit of the funds of said district made in pursuance hereof, said board shall receive the right to terminate the

Proviso as to
depositing in
bank.

Bank to give
security.

Board shall
direct treasurer
to deposit with.

same and to withdraw such deposits and remit the same to the custody of said treasurer at its pleasure. Money so deposited shall be drawn only on the order of said treasurer of said board, and he shall draw the same only when he is authorized to pay the same according to the provisions of law, or when directed by said board to withdraw such deposits in the manner above provided.

Money deposited, how drawn.

SEC. 8. No money of said district shall be paid by said treasurer except on the order of said board, signed by the secretary and countersigned by the president; and it shall be the duty of such treasurer to pay such orders to the extent of the funds in his hands on presentation thereof.

Treasurer to pay no money except on order of board.

SEC. 9. A majority of the members of said board shall constitute a quorum, and the said board shall meet from time to time, at such place in said city as they may designate. Said board shall succeed to, and exercise all the powers and perform all the duties of school inspectors for said city, and the office of school inspector of said city except as vested in and to be executed by said board is hereby abolished. Said board, before hiring any teacher, shall examine into his or her qualifications; and all teachers employed by said board shall be considered and deemed legally qualified; and said board shall deliver to them respectively a certificate, stating the branches they have been found qualified to teach, which shall continue in force as long as said board shall continue to employ such teachers in the schools of said district, unless expressly annulled by said board; and on such certificate being annulled, any contract for the employment of the teacher named therein shall cease and determine as though the term of such employment had expired.

Quorum.

Duties as school inspectors.

SEC. 10. Said board shall also have power, and it shall be its duty annually, to determine by vote, which shall be entered in the records of its proceedings, the amount of money necessary to be raised by tax on the property of said district, to defray the expenses of the schools of said district for the current year, including free text books and school supplies for all grades including the high school, and the amount necessary to pay the interest and principal of any liquidated debt due within such year, from such district, and to file with the board of estimates or other proper official designated in the charter of said city of Saginaw on or before the first day of May in each year, a statement in writing of the sum so voted; and it shall be the duty of the common council to apportion said sums to be raised among the wards of said city, which are included in said district, according to the valuation of the taxable property in the same, and to cause the same to be assessed on such property in the first general tax thereafter made, which said sums so assessed shall be and remain a lien on the property against which they are assessed until fully paid; and the assessment of such tax for said district shall be in a separate column in said roll, and the same

May determine amount to be raised by tax to defray expenses.

Amount voted to be filed.

Council to apportion sum to be raised.

shall be collected at the same time, and shall be and remain a lien upon the property on which the same is levied, and the treasurer of said city shall have the same authority and may resort to the same remedies and modes and proceedings by virtue of said roll and warrant annexed thereto to collect the same as in the case of the other taxes therein contained, and it shall be the duty of the city treasurer to pay over to the treasurer of the said district monthly all such moneys as may be collected belonging to said district.

Board may order special elections.

SEC. 11. Said board shall also have power to order special elections of said district whenever any such elections shall be deemed necessary; and at any such special as well as at any annual election of said district, a majority of the tax payers, residents therein and voting at such election, shall be entitled by vote to order any number of school houses to be erected and sites for the same in said city to be purchased; and to vote for raising by tax on the taxable property of said city, or partly by tax and partly by loan, or entirely by loan on the bonds of said district, all sums necessary to purchase said sites and to erect such school houses, and said board shall have authority to issue such bonds or re-issue the same: *Provided, however,* That all questions involving the raising of money to purchase sites and to erect school houses, or for the re-issue of bonds, shall be voted upon by proper ballot in form fixed by the board of education, which questions shall be submitted to the electors of the district at the same time the trustees are elected, or at a special election duly called for that purpose, notice of which special election shall be given as prescribed in section IV, and the board shall have power to provide for more than one polling place, shall determine the division of the district for such purpose. At all special elections there shall be a board of inspectors consisting of at least one member of the board of education and two tax paying citizens who shall be elected by the board of education previous to such election. The two citizens thus chosen shall take the oath prescribed to be taken by inspectors of election, which oath shall be administered by the president of the board, or by a notary public. The polls shall be kept open for such length of time, not less than four hours, as the board may prescribe from time to time, and reports from each polling place, if more than one is established, shall be made to the board, and shall be canvassed by the board at such time and in such manner as the board shall prescribe.

Raising of money by bonds to be voted on by electors.

Board to purchase school-house sites.

SEC. 12. Said board shall have power, and it shall be its duty, to elect and purchase such number of sites for school houses, as shall be directed by the vote of any district election or elections, and in case a loan, for any purpose authorized by the last preceding section shall be voted by a district election, it shall be the duty of said board, if possible, to borrow the money so directed to be procured by loan and for this purpose a bond may be made in the name of said district, signed

by the secretary, and countersigned by the president, and delivered to the lender, providing for the payment of the sum borrowed, and such rate of interest as shall be agreed on not exceeding ten per cent per annum and a statement of any sum directed by said district election to be raised by tax, shall be filed with the board of estimates or other proper official designated in the charter of said city of Saginaw, within the same time as the statement of moneys voted by said board is required to be filed, and on the filing of [the same,] the same proceedings shall be had and taken to collect the same as by section ten of this act authorized to collect the moneys voted by said board, and said section, as to the collecting and paying over the moneys, directed by said board to be raised by tax, shall apply to the collecting and paying of the moneys voted by said district election to be raised by tax.

SEC. 13. It shall be the duty of said board to improve and ornament the sites for such school houses as it shall deem proper and expedient, and adopt plans of school houses to be erected, and [to] erect the same and furnish them in such manner, as in the judgment of said board will best subserve the purpose of their erection.

To adopt plans of school-houses.

SEC. 14. Said board shall establish a district library for the use of the schools in said district, and for the increase of the same, shall appropriate annually the sum of not less than two hundred dollars of the moneys raised by tax for school purposes, and in addition thereto, all fines collected for breach of the State or municipal laws within said city, shall be applied for the support of such library.

Shall establish district library.

SEC. 15. Said board shall also have full power and authority to make by-laws and ordinances relative to taking the census of all children in said district, between the ages of five and twenty years, relative to making all necessary reports and transmitting the same to the proper officers, as designated by law, so that said district may be entitled to its portion of the primary school fund; relative to the levying and collecting of rate bills; relative to the grading, disciplining and visitation of schools; relative to the course of study and books to be used in the schools; relative to the appointment of necessary officers and servants in and about said schools, their powers, duties and compensation, including a superintendent of the schools of said district; and said board shall be authorized to purchase, exchange, repair and improve the school apparatus, books, furniture, text books and all other school supplies used in the public schools including high school, such text books and supplies to be loaned to the pupils of the said public schools including the high school free of charge, subject to such rules and regulations as to the care and custody thereof as the said board prescribe.

Board may take census of all children.

Appointment of officers and servants.

SEC. 16. Said board shall also have power to establish and maintain a high school, and prescribe the course of study for the same, and to grant such certificates of scholarship and in

Board may establish high school.

Who to constitute the union school district.

such form as such board shall deem proper, to pupils completing satisfactorily the said course of study. Said board may also establish and maintain one or more kindergarten.

SEC. 17. The trustees and officers of said school district number one, shall be and they are hereby constituted the trustees and officers of said union school district of the city of Saginaw, and the moderator shall be the president, and the director the secretary of said board, and said trustees and officers shall continue to hold their offices respectively, for the same time as though this act had not been passed, except as modified by the time of holding the annual elections of said district.

Fiscal year.

SEC. 18. The intention of this act being that the fiscal year shall annually expire on the last day of June each year, and that all terms of office which expire in any year shall terminate with the fiscal year on the election and acceptance of the officers elected at the last annual meeting.

Secretary of board to make and publish statement of all moneys received and expended.

SEC. 19. The secretary of the board of education of the city of Saginaw is directed, and hereby required, at least ten and not more more than fifteen days before the annual school election of said district, to make out and publish in some newspaper published in the county of Saginaw, a statement of all moneys received, and from what sources, and all moneys expended, and for what purpose, for the expiring year.

Repealing clause

SEC. 20. All acts and parts of acts in any manner conflicting with or inconsistent with the provisions of this act, are hereby repealed.

This act is ordered to take immediate effect.

Approved June 2, 1897.

[No. 469.]

AN ACT to amend section one hundred eighty-six of an act entitled "An act to reincorporate the city of Ann Arbor, revise the charter of said city and repeal all conflicting acts relating thereto, being act number three hundred and thirty-one [331] of the local acts of Michigan of eighteen hundred eighty-nine, approved March fifteen, eighteen hundred eighty-nine, as amended by act number two hundred and sixty-two [262] of the local acts of eighteen hundred ninety-one, approved March twenty-eight, eighteen hundred ninety-one, as amended by act number two hundred and eighty-two [282] of the local acts of eighteen hundred ninety-one, approved April ten, eighteen hundred ninety-one, as amended by act number three hundred and sixty-eight [368] of the local acts of eighteen hundred ninety-three, approved April twenty-seven, eighteen hundred ninety-three, and as amended by act number three hundred [and] thirty-six [336] of the local acts of eighteen hundred ninety-five, approved March fifteen, eighteen hundred ninety-five.

SECTION 1. *The People of the State of Michigan enact*, That section one hundred and eighty-six [186] of an act entitled "An act to reincorporate the city of Ann Arbor, revise the charter of said city and repeal all conflicting acts relating thereto, being act number three hundred and thirty-one [331] of the local acts of Michigan of eighteen hundred eighty-nine, approved March fifteen, eighteen hundred eighty-nine, as amended by act number two hundred and sixty-two [262] of the local acts of eighteen hundred ninety-one, approved March twenty-eight, eighteen hundred ninety-one, as amended by act number two hundred and eighty-two [282] of the local acts of eighteen hundred ninety-one, approved April ten, eighteen hundred ninety-one, as amended by act number three hundred and sixty-eight [368] of the local acts of eighteen hundred ninety-three, approved April twenty-seven, eighteen hundred ninety-three, and as amended by act number three hundred and thirty-six [336] of the local acts of eighteen hundred ninety-five, approved March fifteen, eighteen hundred ninety-five, be amended to read as follows:

Section
amended.

SEC. 186. No bond, note or other obligation or evidence of indebtedness of said corporation, except orders on the treasurer, as hereinafter provided, and also except bonds for [sewage] sewerage and paving purposes, shall ever be given or issued by said corporation, or by any officer thereof, in his official capacity, whereby the said city shall become obligated to pay any money, unless the same shall have been duly authorized by the legislature of this State, and shall have been submitted to and voted for by a majority of the electors of said city voting thereon, in conformity to this act; but the common council may allow just claims against the city, and may issue orders therefor on the treasurer, or payable on presentation from any moneys then in the treasury, on the first day of February thereafter; but such second named class of orders shall not, in any fiscal year, exceed the aggregate taxes levied in such year for the payment of the same. All moneys collected for the use of the city shall be paid into the city treasury, and no moneys shall be paid from the treasury unless it shall have been previously appropriated by the common council to the purpose for which it shall be drawn. The treasurer shall pay out no money except upon the written warrant of the mayor and city clerk, which warrant shall specify the fund from which the money is to be paid: *Provided*, That school moneys shall be paid to the treasurer of school district number one of the city of Ann Arbor upon the warrant of the president and secretary of said board. The common council may at any regular meeting thereof by a resolution duly adopted by a majority of all members elect authorize the issuing of bonds to the amount not exceeding forty thousand dollars outstanding at any one time for the purpose of paving any alley, street or streets in such city said bonds to run for a period not

Bonds.

Moneys col-
lected.

Proviso.

Council may
issue bonds.

exceeding four years from the date of their issue, and at a rate of interest not exceeding five per cent per annum, and the common council for the purpose of carrying out this provision may pass such ordinance or ordinances as may be deemed necessary.

This act is ordered to take immediate effect.

Approved June 2, 1897.

[No. 470.]

AN ACT to amend an act, entitled "An act to establish a bridge district in Bay county and to provide for the appointment and election of commissioners and for the construction, care and maintenance of bridges therein," approved January twenty-eighth, eighteen hundred and eighty-nine, being act number two hundred and seventy-eight of the local acts of eighteen hundred and eighty-nine.

Section added.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act to establish a bridge district in Bay county and to provide for the appointment and election of commissioners and for the construction, care and maintenance of bridges therein," approved January twenty-eighth, eighteen hundred and eighty-nine, be and the same is hereby amended by adding a new section thereto, to be numbered section eleven and to read as follows:

Power of commission to cause survey and estimates for bridge.

SEC. 11. Said commission shall also have power at any time after the expiration of six years after the passage of this act to cause surveys, estimates and measurements to be made for the construction of a new bridge between Bay City and West Bay City within the limits of said bridge district, from the foot of Twelfth street in Bay City to some suitable point on the west shore of the Saginaw river in West Bay City opposite said Twelfth street and shall report such estimates to the common councils of Bay City and West Bay City, said bridge commission shall have the power and it shall be its duty to receive from the common councils of said cities all moneys that shall hereafter be raised by them and transferred to it for the purpose of constructing said bridge. Whenever the moneys so raised for said purpose by said common councils of said cities shall have been transferred to said bridge commission, the said bridge commission shall under the powers of said act as hereby amended, build and construct said bridge across the Saginaw river as herein provided; and said commission after said bridge has been built, shall keep in repair and maintain the same: *Provided, however*. That said bridge commission shall not have the power to allow any street railway

To report estimates to common council.

When to build bridge.

Commission to maintain bridge and keep in repair.

or railroad company to use said Twelfth street bridge for street railway or railroad purposes.

Approved June 2, 1897.

[No. 471.]

AN ACT to provide for issuing bonds, by the townships in the counties of Sanilac, Huron, and Tuscola for raising money to construct and maintain drains.

SECTION 1. *The People of the State of Michigan enact*, That whenever all the petitioners for the establishing, widening, deepening, extending or cleaning out of a drain traversing the counties of Sanilac, Huron, or Tuscola, or more than one or all of said counties, may so request, it shall be the duty of the county drain commissioner after he has made the final order of determination establishing said proposed improvement, to make an estimate of the cost of said improvement and he shall thereupon notify the clerk of the township or townships to be assessed for said improvement, that

Drain commissioner to make estimate of cost of improvement.

First, A petition for the establishing, widening, deepening, extending or cleaning out (as the case may be) of a drain described as follows (here insert the description of route of drain as given in the petition or in case of an established drain, its recorded name) has been filed in his office;

Clerk to be notified of filing of petition.

Second, That he, as county drain commissioner has made a final order of determination, establishing said improvement;

Final order.

Third, That said petitioners ask that the township or townships to be benefited by said improvement may be bonded for the purpose of borrowing money to pay for said improvement;

Bonds.

Fourth, That the amounts for which the several townships are asked to issue bonds are as follows: The township of \$ The township of \$;

Amount.

Fifth, That said bonds shall be payable in annual installments on [the] fifteenth day of March of the year in which due, as follows, viz.: (Here insert the number and amount of annual installments and the year when due), said bonds shall in no case run for a longer period than ten years from the date thereof nor draw more than six per cent interest per annum, interest to be paid annually on the fifteenth day of March, interest and principal payable at the county treasurer's office.

How payable.

SEC. 2. It shall thereupon be the duty of the township clerk (or clerks) so notified to, within five days, post in six of the most public places in his township, a notice calling a special township meeting not sooner than thirty days or more than

Clerk to post notice of meeting.

thirty-five days from the date of said notice; said notice shall state:

What to state.

First, The time and place of said meeting;

Second, The object for which it is called;

Proviso.

Third, The facts set forth in the notice from the drain commissioner to the township clerk: *Provided*, That if said notice from the drain commissioner to the township clerk shall be served within ninety days prior to the annual township meeting, the township clerk shall not call a special meeting; but shall give notice in the same time and manner, before the annual township meeting.

Ballots, what to contain.

SEC. 3. The bond ballots to be used at such annual or special township meeting shall contain the words:

Bonds for the county drain.—Yes;

Bonds for the county drain.—No;

and shall be handled and marked in the same manner as is required for other ballots.

Drain commissioner to procure ballot.

SEC. 4. It shall be the duty of the drain commissioner to procure and deliver to the township clerk, at least two days before the township meeting, at the expense of the proposed drain, a sufficient number of bond ballots to exceed by fifty the number of registered voters at the last general election, and it shall be the duty of the township clerk within twenty-four hours after the closing of the polls of said annual or special township meeting to notify the county drain commissioner, either by registered mail or personal service, of the results of said election.

Clerk to notify commissioner of result of election.

When to advertise bonds.

SEC. 5. If a majority of the bond ballots cast at the annual or a special township meeting shall read "Bonds for the county drain.—Yes," it shall be the duty of the county drain commissioner to at once advertise in at least one paper published and of general circulation in the county for at least two insertions for tenders for the purchase of the bonds, and he shall reserve the right to reject any and all bids, and also the right to withhold from sale a part of said bonds: *Provided*, That after the time of letting of contracts for the construction of said drain he shall find that the first estimate provided for in section one of this act is [too] two large.

Proviso.

Tenders for purchase of bonds to be accompanied by certified check.

SEC. 6. All tenders for the purchase of bonds must be accompanied by a certified check for an amount to be fixed by the drain commissioner and payable to the county treasurer as a guarantee that the successful bidder will pay to the county treasurer the purchase price of the bonds within thirty days after the letting of the contracts for the construction of the improvement for which the bonds are voted. The unsuccessful bidder's check to be immediately returned.

Commissioner to keep record of bids, and award of sale of bonds.

SEC. 7. The county drain commissioner shall keep a full and complete record of all bids received and of the award of the sale of bonds.

SEC. 8. As soon as may be after the award of the contract for the sale of bonds, the county drain commissioner shall advertise the day of letting of drain contracts and proceed in the same manner as provided by the drain law for the letting of drain contracts.

To advertise day of letting drain contracts.

SEC. 9. After the letting of drain contracts and review of apportionment of benefits if there be no appeal or on the settlement of such appeal, the drain commissioner shall make an estimate of the total cost of said improvement and shall notify the clerks of the townships that have voted to issue bonds of the amount apportioned to such township and lands benefited therein, he shall also furnish to said clerk blank bonds. It shall thereupon be the duty of the supervisor and clerk of said township to immediately sign said bonds and at once forward them to the county treasurer: *Provided*, That no township shall issue bonds for a larger amount than was stated in the notice of township meeting.

Commissioner to make estimate of total cost of improvements. To notify clerk of amount apportioned, and furnish blank bonds. Supervisor and clerk to sign bonds.

Proviso.

SEC. 10. If the issue of bonds shall not cover the cost of construction and all the necessary expenses of said improvement the county drain commissioner shall add to the first year's assessment a sufficient amount to cover such cost of construction and expenses.

When bonds issued do not cover cost of improvements.

SEC. 11. If at any township meeting provided for in section two of this act, a majority of the bond ballots cast shall read, bonds for county drain.—No. Then as to this township and the lands benefited therein the drain commissioner shall proceed with the assessment of benefits as though no such election had been held.

When majority vote no, commissioner to assess benefits.

SEC. 12. If upon the completion of any drain for which bonds have been issued, it shall be found that sufficient money has not been raised to pay for the construction thereof and all necessary expenses, then it shall be the duty of the drain commissioner to make a second assessment and add it to the assessment for the bond indebtedness of the year in which such second assessment is made.

When second assessment to be made.

SEC. 13. The amount of bonds sold under provisions of this act shall be a perpetual lien until paid upon the township and lands therein benefited and a personal claim against the owner or owners of such lands *pro ratio* as may appear in the apportionment of benefits of said drain as on file in the county clerk's office, and recorded in the drain records of the county: *Provided*, That if for any cause any part of said tax shall be set aside for any irregularities in any of the proceedings, the drain commissioner shall at once proceed to correct said mistake or mistakes, and reassess said tax, and shall continue to do so, in like manner as provided for in the drain law until said tax is paid.

Bonds to be a perpetual lien until paid.

Proviso.

SEC. 14. The county treasurer shall on or before the first day of June in each year notify the county drain commissioner of the amount of principal and interest that will be due on the bonds of each and every drain, on the fifteenth day

County treasurer to notify drain commissioner of amount due on bonds.

of March next following and said drain commissioner shall divide said amount *pro ratio*, as may appear from the apportionment of benefits of said several drains, among the townships and lands benefited, and shall make and deliver his tax rolls for the several drains to the township clerk or clerks on or before the last Wednesday in September each year.

Bonds when
sold certain
months.

SEC. 15. For any bonds that may be sold after the first day of June and before the last Wednesday in September the drain commissioner shall deliver his tax roll in like manner.

Taxes, how
levied and
collected.

SEC. 16. The taxes provided for in this act shall be levied and collected in the same manner as other drain taxes are levied and collected.

"Drain" what
deemed to in-
clude.

SEC. 17. The word "drain" whenever used in this act shall be deemed to include any natural water course or any ditch opened or proposed to be opened and improved for the purpose of drainage and any artificial ditch or drain, levee, dyke or barrier, or tile drain proposed or constructed for such purpose. On all drains traversing more than one county, to which the provisions of this act apply, the county drain commissioner of the counties affected by said drain shall act jointly as provided in the drain law: *Provided*, That if all the counties traversed by said drain are not affected by this act, then it shall be lawful for the drain commissioner whose county is affected by this act to proceed thereunder.

Proviso.

Duty of drain
commissioner.

SEC. 18. It shall be the duty of the county drain commissioners to keep a full and complete record of all his proceedings under this act, which shall also contain a copy of all notices that may have been posted, served personally or forwarded by mail as required by the provisions of this act.

When to take
effect, what to
apply to.

SEC. 19. This act shall take immediate effect and may, on request of the petitioners, apply to any drain the contracts for the construction of which have been let, but the taxes for which have not been by the board of supervisors ordered spread.

This act is ordered to take immediate effect.

Approved June 2, 1897.

[No. 472.]

AN ACT to authorize the boards of health of the townships of West Traverse and Little Traverse in Emmet county, to convey certain real estate to the "Lake View cemetery board."

Board of health
to convey cer-
tain real estate
to cemetery
board.

SECTION 1. *The People of the State of Michigan enact*, That the boards of health of the township of West Traverse and the township of Little Traverse, in Emmet county, are hereby

authorized to convey to the "Lake View cemetery board" the real estate described as follows, [viz.] namely: Commencing at the southeast corner of the northeast quarter of the southeast quarter of section eleven (11) in township thirty-five north of range six west. Thence north thirty (30) rods, thence west forty (40) rods, thence north twenty (20) rods, thence west forty (40) rods, thence south fifty rods, thence east eighty (80) rods to commencement, the said real estate to be held and owned by said Lake View cemetery board for the townships of West Traverse and Little Traverse for public cemetery purposes.

Approved June 2, 1897.

[No. 473.]

AN ACT to amend sections ten and thirteen of an act entitled, "An act to provide for a joint cemetery board for the townships of Little Traverse, and West Traverse and the village of Harbor Springs in the county of Emmet, and to regulate the powers and duties thereof approved April twenty-eighth, eighteen hundred and ninety-seven."

SECTION 1. *The People of the State of Michigan enact*, That sections ten and thirteen of an act entitled, "An act to provide for a joint cemetery board for the townships of Little Traverse, West Traverse and the village of Harbor Springs in the county of Emmet and to regulate the powers and duties thereof," approved April twenty-eighth, eighteen hundred and ninety-seven, be, and the same are hereby amended so as to read as follows:

Sections amended.

SEC. 10. All moneys now in the hands of the township treasurers for cemetery purposes derived from taxation or the sale of cemetery lots, shall be paid over to the treasurer of said cemetery board, who shall have the custody of all moneys collected for or on account of such cemetery from taxation, assessments or received from the sale of lots or otherwise, and the same shall constitute a fund to be known and denominated the "cemetery fund." Said fund shall not be devoted to any purpose except the care and improvement of the cemetery grounds, and the said treasurer shall pay out no money except in pursuance of and by authority of law and upon orders signed by the secretary and countersigned by the president. Said board shall make detailed statements of the receipts and disbursements thereof, at last once in each year not later than the second week in May, and file a copy with each of the clerks of the aforesaid townships.

Moneys to be paid over to treasurer of cemetery board.

SEC. 13. The townships or village of Harbor Springs may remove any member appointed by its own body for inatten-

Removal of members.

tion to duties, want of proper judgment, skill or taste for the proper discharge of the duties required of him or other good cause. Said board shall serve without compensation.

Approved June 2, 1897.

[No. 474.]

AN ACT to amend section four of chapter one of act number three hundred and twenty-six of the local acts of eighteen hundred and eighty-three, being an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred and eighty-three, as amended by act number three hundred and twenty-four of the local acts of eighteen hundred and ninety-one, approved May fifteenth, eighteen hundred and ninety-one, by changing the boundaries of the fifteenth ward in said city and creating a new ward therefrom to be known as the seventeenth ward.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four of chapter one of act number three hundred and twenty-six of the local acts of eighteen hundred and eighty-three, being an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred and eighty-three, as amended by act number three hundred and twenty-four of the local acts of eighteen hundred and ninety-one, approved May fifteen, eighteen hundred and ninety-one, be and the same is hereby amended by changing the boundaries of the fifteenth ward in said city, and creating a new ward therefrom, to be known as the seventeenth ward, said section four, as amended to read as follows:

Division into
wards.

SEC. 4. The said city is hereby divided into the following wards:

First ward.

First, The first ward shall consist of all that part of [the] city lying between the center lines of Woodward avenue and Beaubien street, and the said lines [extended] extending northerly and southerly to the city limits.

Second ward.

Second, The second ward shall consist of all that part of said city bounded on the east by the center line of Woodward avenue, and on the west by the center line of First street, from the Detroit river to the center line of Grand River avenue, up Grand River avenue to the center line of Second street, along the center line of Second street and the said lines extended northerly and southerly to the city limits.

Third ward.

Third, The third ward shall consist of all that part of said city lying between the center lines of Beaubien street and

Hastings street, and the said lines extended northerly and southerly to the city limits.

Fourth, The fourth ward shall consist of all that part of said **Fourth ward.** city lying between the westerly boundary line of the second ward, above described, and the center line of Crawford street, from the northerly city limits to the center line of Grand River avenue, thence through Grand River avenue to the center line of Fifth street, and down the center line of Fifth street, and the said lines extended northerly and southerly to the city limits.

Fifth, The fifth ward shall consist of all that part of said **Fifth ward.** city lying between the center lines of Hastings street and Russell street, and the said lines extended northerly and southerly of the city limits.

Sixth, The sixth ward shall consist of all that part of said **Sixth ward.** city lying between the west boundary line of the fourth ward, above described, and the center line of Trumbull avenue and the said lines extended northerly and southerly to the city limits.

Seventh, The seventh ward shall consist of all that part of **Seventh ward.** said city lying between the center line of Russell street and Dequindre street, and the said lines extended northerly and southerly to the city limits.

Eighth, The eighth ward shall consist of all that part of said **Eighth ward.** city lying between the east line of Godfroy farm and the center line of Trumbull avenue, and the said lines extended northerly and southerly to the city limits.

Ninth, The ninth ward shall consist of all that part of said **Ninth ward.** city lying between the center lines of Dequindre street and Chene street and the said lines extended northerly and southerly to the city limits.

Tenth, The tenth ward shall consist of all that part of said **Tenth ward.** city lying between the west line of the Loranger farm and the east line of the Godfroy farm, and the said lines extended northerly and southerly to the city limits.

Eleventh, The eleventh ward shall consist of all that part of **Eleventh ward.** said city lying between the center lines of Chene street and McDougall avenue, and the said lines extended northerly and southerly to the city limits.

Twelfth, The twelfth ward shall consist of all that part of **Twelfth ward.** said city lying between the west line of the Loranger farm and the westerly line of the Porter farm, and the said lines extended northerly and southerly to the city limits.

Thirteenth, The thirteenth ward shall consist of all that part **Thirteenth ward.** of said city lying between the center line of McDougall avenue and the center line of Mt. Elliott avenue, and the said lines extended northerly and southerly to the city limits.

Fourteenth, The fourteenth ward shall consist of all that part **Fourteenth ward.** of said city lying between the westerly line of the Porter farm and the westerly line of private claim forty-seven, and the said lines extended northerly and southerly to the city limits.

Fifteenth ward. *Fifteenth*, The fifteenth ward shall consist of all that part of said city lying east of the center line of Mt. Elliott avenue extended northerly and southerly to the city limits and the center line of Field avenue extended northerly and southerly to the city limits and shall include that parcel of land situate in the Detroit river known as Belle Isle.

Sixteenth ward. *Sixteenth*, The sixteenth ward shall consist of all that part of said city lying west of the westerly line of private claim forty-seven, and the said lines extended northerly and southerly to the city limits. (As amended by act approved May thirteen, eighteen hundred and ninety-one).

Seventeenth ward. *Seventeenth*, The seventeenth ward shall consist of all that part of said city lying east of the center line of Field avenue extended northerly and southerly to the city limits. The present officers of said fifteenth ward shall continue to transact the business of said seventeenth ward until the next regular election of city and ward officials.

Officers of fifteenth ward to transact business of seventeenth.

Approved May 28, 1897.

[No. 475.]

AN ACT to re-incorporate the city of Kalamazoo and to repeal an act entitled "An act to incorporate the city of Kalamazoo," and to repeal an act entitled 'An act to re-incorporate the village of Kalamazoo, and to repeal all inconsistent acts and parts of acts,' approved March fifteenth, eighteen hundred and sixty-one, as amended by the several acts amendatory thereof," approved June eighth, eighteen hundred and eighty-three, as amended by the several acts amendatory thereof, and to repeal all inconsistent acts and parts of acts.

CHAPTER I.

INCORPORATION AND BOUNDARIES.

City of Kalamazoo re-incorporated.

Corporate powers.

SECTION 1. *The People of the State of Michigan enact*, That the corporation heretofore created and known as the city of Kalamazoo, and the inhabitants thereof, shall be and are hereby created and constituted a corporation by the name of the city of Kalamazoo, and by that name may sue and be sued, implead and be impleaded, complain and defend in any and all courts of law and equity; may have a common seal and alter it at pleasure, and may take, hold, purchase, lease, convey and dispose of real, personal or mixed estate, for the use of said corporation.

SEC. 2. That tract of country in the township and county of Kalamazoo and State of Michigan and designated as follows: Beginning at a point one-quarter mile east of the quarter post on the north line of section fourteen in town two south, range eleven west, being the township of Kalamazoo; running thence south two and one-half miles to the southeast corner of the southwest quarter of the northeast quarter of section twenty-six; thence west to the southwest corner of the northwest quarter of section twenty-eight; thence north to the southwest corner of the northwest quarter of section nine; thence east to the east line of the road running north and south between sections ten and eleven; thence south along the east line of said road to the north line of Riverside cemetery; thence east to the northwest corner of the southwest quarter of the southeast quarter of section eleven; thence south to the section line between sections eleven and fourteen; thence east along said section line to the place of beginning, shall be and the same is hereby constituted a city corporate so far as it is not already so constituted under the name of the city of Kalamazoo and subject to the municipal control of said corporation. Territory incorporated.

CHAPTER II.

WARDS AND THEIR BOUNDARIES.

SECTION 1. The city of Kalamazoo shall be divided into five wards, with their several boundaries established as follows: Division into wards.

First, Commencing at a point one-quarter mile east of the quarter post on the north line of section fourteen of the township of Kalamazoo, thence west one-quarter of a mile, thence north one-quarter of a mile, thence west to the east line of the highway mentioned in the preceding chapter; thence north along said highway to the north line of the corporation; thence west along the said north line to the intersection of said north line with the center line of Burdick street as prolonged; thence south along said center line of Burdick street one-eighth of a mile, more or less, to the center line of the street running west from said center line of Burdick street to the center of Rose street; thence west along said center line of said street to the center of Rose street as prolonged; thence south on said center line of Rose street to the center of Main street; thence easterly along the center line of Main street to the corner of Kalamazoo avenue; thence east along the center of Kalamazoo avenue to East avenue, crossing to the north bank of the Kalamazoo river; thence easterly along the north bank of the river to the east line of the corporation; thence north to the place of beginning, shall constitute the first ward. First ward.

Second ward.

Second, Commencing at the intersection of the center line of Academy street as prolonged, with the west line of the corporation, running thence north on the west line of the corporation to the northwest corner of the corporation; thence east on the north line of the corporation to the intersection of said north line of the corporation with the center line of Burdick street as prolonged; thence south along said center line one-eighth of a mile, more or less, to the center of the street running west from said center line of Burdick street to the center line of Rose street; thence west along said center line of said street to the center line of Rose street as prolonged; thence south on the center line of Rose street to the center line of Academy street; thence west on the center line of Academy street to the place of beginning, shall constitute the second ward.

Third ward.

Third, Commencing at the point of intersection of the centers of Park street and Academy street, thence west along the center of Academy street, and the prolongation west of the line of said Academy street to the west line of said corporation; thence south on the west line of said corporation to the southwest corner of said corporation; thence east along the south line of said corporation to the center of West street; thence along the center of West street to the center of Park street at the point of intersection of said Park street with West street; thence east and north along the center of Park street to the center of Academy street, shall constitute the third ward.

Fourth ward.

Fourth, Commencing at the point of intersection of the centers of Main street and Portage street, thence along the center of Main street to the center of Rose street; thence along the center of Rose street to the center of Academy street; thence west along the center of Academy street to the center of Park street; thence south and thence west along the center of Park street to the point of intersection of said Park street with the center of West street; thence south along the center of West street to the south line of said corporation; thence east along the south line of said corporation to the point of intersection of said line with the west line of lands of the Lake Shore and Michigan Southern railroad, constituting the line of said railroad as now established; thence north along the west line of said railroad lands, embracing the track of said road as now established, to the center of Portage street; thence northwesterly along the center of Portage street to the center of Main street, shall constitute the fourth ward.

Fifth ward.

Fifth, Commencing at the point of the intersection of the north meandered bank of the Kalamazoo river with the east line of said corporation; thence westerly along the north meandered bank of said Kalamazoo river to the center of East avenue; thence westerly along the center of East avenue and of Kalamazoo avenue to the point of intersection of Main street with said Kalamazoo avenue; thence southwesterly along the center

of Main street to the point of intersection of Portage street with Main street; thence southeasterly along the center of Portage street to the west line of lands of the Lake Shore and Michigan Southern railroad at the present railroad crossing of Portage street by said railroad, as now established; thence southwesterly along the west line of said lands of said railroad to the south line of said corporation; thence east along said corporation line to the southeast corner of said corporation; thence north along the east line of said corporation to the north meandered bank of the Kalamazoo river, shall constitute the fifth ward.

SEC. 2. Upon a petition signed by three hundred freeholders of the city praying to re-district the city into wards; divide any ward or change the boundaries thereof; establish new wards or increase the number of wards of the city, not exceeding seven in number, within the limits prescribed in chapter one of this act, presented to them, the city council may by two-thirds vote of all the aldermen elect of the city adopt a resolution submitting the proposition to re-district the city into wards, divide any ward, or change the boundaries thereof, establish new wards or increase the number of wards in the city, not exceeding seven in number, as the case may be, to the electors of the city at the next regular city election or at a special election duly called for that purpose. Such resolution shall distinctly set forth the proposition to be voted upon and shall fix the time when the same shall take effect and the proceedings relative thereto shall be entered at length in the records of the city council; the proposition to be submitted by said resolution shall be published once in each week for four successive weeks immediately preceding the election in one or more newspapers published and circulated in the city, to be designated by the city council, and notice that such proposition will be submitted to the electors of the city shall also be given in the same manner and for the same length of time as is provided in this act for giving notice of general city elections, and the votes shall be counted and canvassed and the returns shall be made and the result declared and determined in the same manner as is provided in this act for the counting, canvassing, returning and determining of results of general city elections. If a majority of all the votes cast at said election are in favor of the proposition as submitted, the city council shall so declare and the same shall go into effect at the time indicated in said proposition. The ballots used in such election shall contain the instructions required by the general election laws of the State, and the proposition to be submitted shall be substantially in the following form:

For re-districting the city into wards, Yes. ()

For re-districting the city into wards, No. ()

or as the case may be.

Freeholders
may petition
to re-district.

Two-thirds vote
of council
necessary
to submit
proposition.

What resolution
to state.

Proceedings to
be entered upon
the records.

Notice.

Manner of conducting
elections.

What ballots
to contain.

How wards
may be es-
tablished.

SEC. 3. The wards which may be established by the council and all changes in the existing wards shall be bounded by streets, alleys, avenues, public grounds, railroads, streams of water or corporation lines and the wards as established or changed shall be composed of adjacent territory and shall be as compact as may be, and in establishing, changing or re-districting the wards, it shall be so done as to give the several wards as near an equal number of inhabitants as may be practicable.

Equal number
of inhabitants
in each ward.

Prohibitions,
when boundary
of ward is to be
changed.

SEC. 4. No change in the boundary of any ward shall be made within sixty days next preceding an election therein; no election of aldermen or ward officers shall be held in any newly established ward or in any ward on account of changes in the boundaries thereof previous to the next annual city election, nor shall the office of any alderman or other officer elected in any ward be affected by reason of any change in such ward, but any such alderman and other officer shall, during the remainder of his term, continue in office and to represent the ward including the place of his residence at the time of the change of the boundaries of the ward, unless the office becomes vacant for some other cause.

Election of
aldermen in
new ward.

SEC. 5. When by the creation of a new ward, where two aldermen are to be elected therein at the same time, one of them shall be elected for one year and one for two years, the term of each shall be designated on the ballot.

CHAPTER III.

OFFICERS OF THE CITY.

City officers.

SECTION 1. The officers of said city shall be a mayor, city clerk, chief of police, city treasurer, recorder, four justices of the peace, four constables, city attorney, a health officer, a city physician, an assessor, a superintendent of the poor, water commissioner, and such other officers to be appointed by the city council as may be necessary to carry out and make effective the provisions of this act; and in each ward of said city, two aldermen shall be elected.

CHAPTER IV.

ELECTIONS.

Election of
officers.

Notice of elec-
tion.

SECTION 1. The electors of each ward in said city shall meet on the first Monday in April, eighteen hundred and ninety-eight, at such places in the respective wards of the city, as the city council of the city of Kalamazoo shall designate by resolution, which resolution shall be published daily in two of the daily papers of said city, for at least the ten issues of said papers immediately preceding said election. Said electors

shall, by plurality of votes, elect one person as mayor of said city, one person as treasurer and four persons as constables, who shall respectively hold their offices for one year from and after the second Monday in April immediately following this election, one person as justice of the peace, who shall hold his office for four years, and one person from each ward as alderman, who shall hold his office for the term of two years from and after said day, and every year thereafter, at the polling places of the respective wards, there shall be elected one person as mayor, one person as treasurer, and four persons as constables who shall respectively hold their offices for one year from and after the second Monday in April following their election, and one person as justice of the peace, who shall hold his office for four years from and after said second Monday in April, and once in every four years, commencing in the year nineteen hundred, there shall be elected at such election one person as recorder, who shall hold his office for four years from and after the second Monday in April succeeding his election, and also annually thereafter there shall be elected in each ward one person as alderman, who shall hold his office for the term of two years from and after the second Monday in April succeeding his election. The mayor and aldermen so elected at any election, together with the aldermen holding over, shall be and constitute the city council during the existence of the corporation, and a majority of such mayor and aldermen shall constitute a quorum. The city clerk and any two aldermen appointed by the mayor for that purpose, shall constitute the election commission, who shall have charge of the preparation of the official ballot and such other matters as devolve upon similar officers under the general election laws of this State.

Officers to be
elected, etc.,
terms of office
of.

SEC. 2. If [an] any election of mayor, aldermen and other officers shall not be made on the day, when pursuant to this act it ought to be made, the said corporation shall not for that reason be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of the regular elections.

Further pro-
visions for
elections.

SEC. 3. Notice of the time and place of holding any election, and of the officers to be elected, and the questions or propositions, if any, to be voted upon, shall, except as otherwise provided for, be given by the city clerk at least ten days previous to such election, by posting such notice in three public places in said city, or by publishing a copy thereof in a newspaper printed and published in said city the same length of time before election; and in case any question or proposition is to be voted upon, such notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing the election. The city council may designate the polling places of the different wards, and such designation may be made at any time previous to the time provided for giving notice of elec-

Notice of elec-
tion, by whom
given, and
what to con-
tain.

How polling
places to be
designated.

tion. In case the council shall fail to designate polling places previous to any election, such election shall be held at the polling places used at the last election, or in case it shall be inconvenient or impossible to use any such polling place, the ward inspectors of elections shall proceed in accordance with section six hundred and eighty-eight of Howell's Annotated Statutes.

Special elections.

SEC. 4. Special elections may be appointed by resolution of the city council and held at the polling places in the respective wards in said city. The purpose and object of all special elections shall be fully set forth in the resolution appointing the same.

Time of opening and closing of polls.

SEC. 5. On the day of election, the polls shall be opened and closed at the same hours as provided by law for the election of State officers, and be governed by the provisions of the State law, except as herein provided. The inspectors of election shall cause proclamation to be made of the opening and closing of the polls.

Inspectors of elections, who to be.

SEC. 6. The aldermen of each ward shall be inspectors of election for such ward. The aldermen of each ward shall on or before the Saturday next preceding any election appoint from the electors of the ward such number of additional inspectors of election as shall make the number of inspectors of elections in any voting precinct equal to the number required by the general election laws of this State, and the electors so appointed, together with the aldermen of the ward, shall constitute the board of election inspectors in the various wards of the city. The inspectors may employ one or more electors of the ward as polling clerks, who shall receive such compensation as the city council may prescribe. In the case of a failure of any inspector to attend or remain at the polls, or of his disqualification, his place shall at once be filled by the appointment of some elector of the ward, which appointment shall be made by the remaining inspector or inspectors. The alderman, whose term of office soonest expires, shall be chairman of the inspectors, or in his absence, or disqualification, the inspectors shall elect a chairman. Such boards of inspectors shall have power to correct at the polls any clerical errors that may be discovered in the registration.

Polling clerks.

Who to be chairman of inspectors.

Oath of inspectors and clerks.

How elections to be conducted.

SEC. 7. The inspectors and clerks of election shall take an oath, to be administered by any person authorized to administer oaths, to honestly and faithfully discharge their duties as such inspectors and clerks of election. All elections in the city shall be conducted, as near as may be, in manner provided by law for holding general elections in townships throughout the State, except as herein otherwise provided, and the inspectors of election shall have the same powers and authority to preserve the purity of election, maintain good order and to enforce the obedience of their lawful commands during the time of holding any election, and the canvass of

the votes cast thereat, as is now or may hereafter be given to township boards of election by the general statutes of the State, and shall perform the same duties as the inspectors of election, as township inspectors of elections.

SEC. 8. Immediately after closing the polls, the judges of election shall, without adjourning, canvass the votes received by them at the polling place at their respective wards, and declare the result, and shall on the same day or on the next day, make a statement in writing, setting forth the whole number of votes cast for each office, the names of the persons for whom such votes for each office were cast, and the number of votes so given for each person; and if any proposition or question shall have been voted upon, the whole number of votes given upon such question or proposition and the number given for and against the same, which statement shall be certified under the hands of the inspectors of election to be correct, and they shall, thereupon, on the same day, seal up the boxes and deposit such statement, together with the poll lists and ballots cast, in the office of the city clerk. The city clerk and any two aldermen appointed by the mayor for that purpose, shall constitute the city board of canvassers, and they shall meet at the city council room on Thursday next succeeding any city election at nine o'clock in the forenoon of that day, and shall canvass the returns from the respective wards, and declare what officers have been elected in said wards and in the city, and file a statement of the persons so declared elected by them, and the number of ballots cast for each, with the city clerk. It shall be the duty of the clerk to forthwith give notice in writing to the persons elected at any election, of their election. The persons declared elected by the inspectors of election, shall, from such declaration, be deemed to have been duly elected, unless for good and sufficient cause their election be held void.

Canvass of votes.

Statement of result of election.

To be certified to and deposited with city clerk.

Board of canvassers.

Notice to persons elected.

SEC. 9. The city council shall convene on the Monday next ensuing the annual election, at their usual place of meeting, and at such meeting the newly elected mayor and aldermen shall qualify and enter upon the duties of their offices. If any question or proposition shall have been voted upon at any election, it shall be the duty of the outgoing city council, at such meeting, to determine the result of such election on such question or proposition, from the statement filed by the canvassing board and cause the same to be entered in their records.

When officers to enter upon discharge of their duties.

Questions voted upon to be determined by outgoing council.

SEC. 10. If at any election there shall be no choice for any office, by reason of two or more candidates having received the same number of votes, the outgoing city council shall, at the meeting mentioned in the preceding section, determine by lot between such persons, who shall be considered elected to such office.

Tie vote.

SEC. 11. Every officer of the city shall, before entering on the discharge of the duties of his office, take and subscribe

Officers to take and file oath of office.

How failure regarded.	<p>and file with the city clerk, an oath or affirmation to support the constitution of the United States and of this State, and that he will, to the best of his ability, faithfully and impartially discharge the duties of his office, which oath or affirmation may be administered by the city clerk, or any qualified person authorized by law to administer oaths. Any person who shall neglect or refuse to take, subscribe and file such oath or affirmation, as provided in this section, on or before the next meeting of the city council, after receiving notice of election, shall be deemed to have declined the office, and a vacancy may be declared therein and filled by the council.</p>
Officers to be electors; who deemed electors.	<p>SEC. 12. No person shall be elected to any office in said city or ward therein, unless he shall be, at the time of such election or appointment, an elector of said city or ward. The inhabitants of said city having the qualifications of electors under the constitution and general laws of the State, and no others, shall be electors therein.</p>
Returns of election.	<p>SEC. 13. The judges and inspectors of the first election herein provided for, shall make returns of such election to the city council of the city of Kalamazoo as heretofore constituted, in the same manner as judges and inspectors of subsequent elections are required to make returns to the city council, and said city council and the city clerk shall perform the same duties in relation thereto as are provided in this act to be performed by the city council and city clerk in relation to subsequent elections. The aldermen of each ward, who are not disqualified, shall constitute the board of registration of such ward.</p>
Registration.	<p>SEC. 14. In addition to the officers herein provided to be elected, the electors at each annual election shall elect officers to fill vacancies in the instances specified in this act.</p>
Filling of vacancies.	<p>SEC. 15. The alderman, whose term of office soonest expires, shall be chairman of the board of inspectors in his ward, when he is present. If not present, the board shall elect one of their number chairman. Said board shall consist of the two aldermen of each ward, and such other electors as said aldermen shall appoint for that purpose, as hereinbefore provided for, two of whom shall constitute a quorum, and they shall be inspectors in their respective wards of all elections. In case three of such inspectors shall not attend at the opening of the polls, or shall not remain in attendance during the election, the electors present may choose <i>viva voce</i> such number of such electors as, with the inspector or inspectors present, shall constitute a board of three in number, and such electors so chosen shall be inspectors of the election during the continuance thereof.</p>
Boards of inspectors of elections.	<p>SEC. 16. In all elections other than city elections, the board of inspectors of election of each ward may appoint one of their number to attend the county or district canvass.</p>
Who to attend county canvass.	

SEC. 17. The city council shall provide, and cause to be kept by the city clerk for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships. Ballot boxes.

SEC. 18. The ballots used in any election shall be as near as may be, in conformity with the requirements of the general election laws of the State relating to such matters. Ballots.

SEC. 19. All persons having the qualification of electors at general elections, and whose names are duly registered upon registers of voters of the ward in which they reside, and no others, shall be entitled to vote at all elections in the wards in which they reside: *Provided*, That in the case of any elector whose name is not entered upon the register of voters of the ward in which he resides, upon a sufficient showing to the satisfaction of the inspectors of election, that such elector was necessarily absent from his ward, or unable from any cause to secure such registration at the time of the last session of the board of registration of such ward, such elector, desiring to vote at such election, shall then and there be entitled to registration and to record his vote in accordance with and under the provisions of laws of the State governing township elections. Who entitled to vote.
Proviso.

CHAPTER V.

APPOINTMENT OF OFFICERS.

SECTION 1. The city council shall on or before the first Monday in May, in each year, appoint a city clerk, chief of police, attorney, health officer, city physician, superintendent of the poor, water commissioner and such number of policemen and special policemen and watchmen as they may deem necessary to protect the persons and property in said city, and to maintain good order therein. Appointments to office, which for any cause shall not be made at such meeting of the council, may be made at any subsequent meeting of the council, and nothing herein contained shall be construed to prevent the appointment by the city council, in case of any emergency, of as many special policemen and watchmen as they may deem necessary. And said city council may create such other offices and appoint and compensate such other officers as may be necessary to execute the powers in this act conferred and to enforce good government in said city. Appointment of officers.

SEC. 2. All officers appointed by the city council, except these appointed to fill a vacancy, and except policemen, special policemen and watchmen, who shall hold their offices during the pleasure of the council, shall hold their respective offices until the first Monday in May next after such appointment, and until their successors qualify and enter upon the duties of their office, unless a different term of office shall be pre- Terms of office of appointive officers.

When appointed to fill vacancy.

scribed in this act, or in the action of the council creating the office. Officers appointed to fill a vacancy, in appointive offices, shall hold their offices for the residue of the term in which the vacancy occurred.

Bonds of appointive officers.

SEC. 3. Every person appointed to office by the city council except special policemen and watchmen shall, before entering upon the discharge of their duties, and within such times as the common council may determine, file with the clerk of said city such bond or security, running to the city of Kalamazoo, as may be required by law, or by any ordinance or requirement of the city council with such surety or sureties as shall be approved by said council, conditioned for the faithful and due performance of the duties of his office, except the bond or security given by the clerk shall be deposited with the treasurer of said city.

Sufficiency of bonds, new bonds.

SEC. 4. The city council shall judge of the sufficiency of the official bond required by the preceding section, and of the sufficiency of the surety or sureties thereon, and may reject the same if deemed insufficient for any reason. Said city council may also, at any time, require any officer to execute and file as aforesaid, additional or new official bonds or security with such new or further surety as said council may deem requisite. Any failure to comply with such requirement, within such reasonable time as the council may determine, shall subject the officer to immediate removal.

Suits upon official bonds.

SEC. 5. Suit may be brought by the city for any breach of any official bond given to said city before any justice of the peace of the city of Kalamazoo, or the circuit court of Kalamazoo county, according to the amount claimed, which courts are authorized to hear and determine the same, but this section shall not be deemed to take away the jurisdiction of any other court before which such action might be brought, if this section had not been enacted.

Removal from office.

SEC. 6. All appointive officers of the city may be removed or suspended from office by said council for official misconduct, incompetency, neglect of duty, or any unlawful act: *Provided*, That no officer who has given an official bond as required by this act, or by any ordinance or requirement of the city council, shall be removed, without notice in writing of the charges against him, and an opportunity given to be heard in his defense in person and by counsel, nor unless a majority of all the members of the council shall, after such notice and hearing, vote for such removal.

Proviso.

Officers to deliver to successors, books, papers.

SEC. 7. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed has expired, he shall deliver over to his successor or successors in office all books, papers, moneys and effects in his custody as such officer, and in any way pertaining to his office. Every person violating the provisions of this section shall be deemed guilty of a misdemeanor and may

Penalty for violation.

be proceeded against in the same manner as public officers generally for like offenses under the general laws of the State, and every officer elected or appointed under the provisions of this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

SEC. 8. The resignation, suspension or removal of any officer from office shall not, nor shall the appointment of any other to fill the vacancy, exonerate such officer or his sureties from any liability incurred by him or them.

Resignation
not to exon-
erate officers
from liability.

SEC. 9. If, during his term of office, any officer of said city shall cease to be a resident thereof, or if any officer shall be a defaulter, his office may be declared vacant by the city council. If any person elected or appointed to office in said city shall fail to take and file the oath of office, or shall fail to give the bond or security required within the time limited therefor, the city council may declare the office vacant, unless previously thereto he shall file the oath and give the bond or security required.

When offices
may be de-
clared vacant.

CHAPTER VI.

POWERS AND DUTIES OF THE MAYOR.

SECTION 1. The mayor of the city shall be the chief executive officer thereof, and shall be, *ex officio*, a member of the city council.

Chief execu-
tive officer.

SEC. 2. The mayor shall have power to, and shall appoint all standing committees. He shall preside at all meetings of the city council, and call special meetings of the city council whenever he shall deem it expedient, or whenever requested in writing by three or more aldermen. The mayor shall not vote upon any measure except in case of a tie, in which case he shall cast the deciding vote.

To appoint
standing com-
mittees, pre-
side at meet-
ings of council.

SEC. 3. The mayor shall see that all by-laws, rules, regulations and ordinances of said city are enforced, and he shall have authority at all times to examine and inspect the books, records and papers of any agent, commissioner and officer of the corporation, pertaining to the duties and office of such persons, and shall have supervision and control of the chief of police and police. He shall countersign all warrants and orders for money on the treasury of said city, and shall perform, generally, such duties as may be required of him by this act.

Enforcement
of by-laws,
ordinances.

To countersign
warrants on
treasury.

SEC. 4. The mayor shall be conservator of the peace and may exercise within the city the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct. The mayor shall also have power,

Conservator of
peace.

Mayor shall have power to suspend officers.

when in his judgment he shall deem it necessary, to suspend any officer of the city, who shall hold his office during the pleasure of the council, but such suspension shall continue in force only until the next regular meeting of the council, unless it be then ratified by the council. Such suspension shall be by written notice, filed with the clerk, a copy of which shall be served on the officer.

President of council to act as mayor, when.

SEC. 5. The council shall, at its first regular meeting after any election, appoint one of its members to be president of the council. Such president shall, in the absence of the mayor, or in case of his inability to act, perform all the duties of the office of mayor: *Provided*, That such president shall not during the time that he shall perform the duties of the office of mayor, because of the temporary absence or inability of the mayor to act, without the consent of the mayor, do or perform any act which shall deprive the mayor of his right to disapprove of any ordinance, resolution or proceeding which may be presented to him by the city clerk for his approval or disapproval, within the time and as provided by the other provisions in this act contained.

Ordinances and resolutions to be approved by the mayor.

SEC. 6. Every ordinance, resolution or proceeding of the city council imposing taxes or assessments, or originating the expenditure or disposal of money or property, or whereby the corporation or any board of officers, under the charter of the city, may incur any debt or liability, and every ordinance or resolution, except resolutions making appointments to or removals from office, and excepting ordinances and resolutions for the fixing of salaries and the payment of debts and liabilities previously and lawfully contracted, shall, before it takes effect, be presented by the city clerk to the mayor. If the mayor approve thereof, he shall thereon write his approval, with the date thereof, and sign the same; and thereupon such ordinance, resolution or proceeding shall go into effect, and such as he shall not so approve and sign, he shall return to the city council with his objections thereto in writing.

Ordinance may become a law without approval of the mayor.

SEC. 7. If the mayor shall neglect to approve, as aforesaid, any ordinance, resolution or proceeding, or return the same, as aforesaid, to said city council with his objections in writing, at its next regular meeting after the same shall have been presented to him by the city clerk as before provided, the same shall go into effect without the approval or return of the same by the mayor.

Council pass over mayor's veto by two-thirds vote.

SEC. 8. Upon the return, as aforesaid, of any ordinance, resolution or proceeding unapproved by the mayor, the city council may proceed to reconsider the vote by which the same was passed or adopted, and if, after such reconsideration, two-thirds of all the members of the council shall agree by yeas and nays, which shall be entered of record, to pass or adopt the same, it shall go into effect.

SEC. 9. The city clerk shall, at the time of presenting any ordinance, resolution or proceeding of the city council to the mayor for his approval, make a certificate, to be endorsed thereon or attached thereto, in which he shall specify the date on which the same was so presented, and such certificate shall be reported to the council and recorded with the proceedings of the council.

City clerk to
make certi-
ficate.

CHAPTER VII.

POWERS AND DUTIES OF THE CITY CLERK.

SECTION 1. The city clerk shall keep and have charge of the corporate seal, and all documents, official bonds and records of said city, not by this act or by the ordinances of said city entrusted to some other person; he shall be clerk of the city council and attend all meetings of said council, record all its proceedings, ordinances and resolutions, and attend to the publication of all notices, ordinances and regulations required to be published; give notice of special meetings, elections and to persons elected; he shall sign and register all licenses granted, and shall, when required by the city council, for the use of the city, make and certify, under the seal of the city, copies of the records and papers filed and kept in his office, and he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city, and he shall have power to administer oaths and affirmations, and exercise such other powers as are provided in this act, or that may be by ordinance of the council, prescribed.

Powers and
duties of
clerk.

SEC. 2. The city clerk, on demand and tender of fees therefor at the rate of twelve cents per folio, shall make and furnish a certified copy or transcript of any paper or record filed in his office or kept by him as such clerk, and all fees received by him therefor shall be the property of and belong to said clerk, in addition to his regular salary. Copies of all papers duly filed in his office, and transcripts from the record of the proceedings of the city council certified by the clerk under the corporate seal of the city, shall be evidence in all courts of this State, in like manner as if the originals were produced.

Idem.

SEC. 3. The city clerk shall be the general accountant of the city, and all claims against said city shall first be filed with him for adjustment, and when allowed by a majority vote of the city council, he shall draw his warrant upon the treasurer for the payment thereof, designating therein the nature of the claim and the fund from which payment is to be made. When any tax or money shall have been levied, raised or appropriated, the clerk shall report the amount thereof to the city treasurer, stating the purposes and funds for which

Idem.

the same is levied, raised or appropriated, and the amounts thereof to be credited to each fund.

Idem.

SEC. 4. The city clerk shall have charge of all the books, vouchers and documents relating to the accounts, debts and revenues of the corporation; he shall countersign and register all bonds issued; he shall keep a complete set of books exhibiting the financial condition of the corporation in all its departments, funds, revenues, resources and liabilities, with a detailed and proper classification thereof; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all warrants drawn thereon, keeping an account with each fund.

Idem.

SEC. 5. The city clerk shall report to the city council, whenever required, a detailed statement of the receipts and expenditures and financial condition of the city, and shall perform such other duties pertaining to his office as are required by this act, or as said council by ordinance or resolution may require.

In case of absence of.

SEC. 6. In case of the absence of the clerk, or if from any cause he shall be unable to discharge, or be disqualified from performing the duties required of him, the city council may appoint one of their own number, or some other person, to perform the duties of the clerk for the time being.

City clerk to turn over to the treasurer certain moneys.

SEC. 7. The city clerk shall, on or before the last day of each month, pay over to the treasurer all moneys received by him, belonging to the city, and take his receipt therefor, which shall be a sufficient voucher to him, and shall at the next regular meeting of the council, file an itemized statement showing the sources from which such moneys were received. He shall at the same time, make and present to the council, a detailed statement showing the amounts appropriated to the several funds of the city, the amount of warrants drawn on each fund and the balance remaining in each fund.

City clerk to present statement to the council.

CHAPTER VIII.

POWERS AND DUTIES OF THE CITY TREASURER AND WATER COMMISSIONER.

Powers and duties of treasurer.

SECTION 1. The treasurer of said city shall have the custody of all moneys, the clerk's bond and bonds other than official bonds, and all evidences of value belonging to said city. He shall receive all moneys belonging to and receivable by the corporation and keep a correct account of all receipts and expenditures. He shall pay no money out of the treasury, except in pursuance of and by authority of law, and upon warrants signed by the clerk and countersigned by the mayor of said city, which shall specify the purpose for

which the amount thereof and the fund from which the same are to be paid. He shall keep an account of, and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in or appropriated therefor, and shall pay every warrant out of the particular fund upon which the warrant is drawn. He shall at the close of business of the last day of each month, make a detailed statement of all funds showing the amounts appropriated and expended in each fund, and file the same with the city clerk, and he shall not pay any warrant out of any particular fund unless there are sufficient moneys remaining in such fund out of which to pay such warrant.

SEC. 2. The treasurer of said city shall render to the city council, when required, a report of the amounts received and credited by him to each fund, and the amounts paid out by him and for what purpose, from each fund, and the amount of money remaining in each fund on the day of such report. Idem.

SEC. 3. The treasurer shall take vouchers for all moneys paid from the treasury, showing the amount and fund from which payment was made, which vouchers, upon settlement with the proper officers of the city, shall be surrendered to and filed with the city clerk. Idem.

SEC. 4. Said treasurer is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants or evidences of indebtedness in his custody, or for his own use or benefit, or that of any other person; any violation of the provisions of this section shall work a forfeiture of his office, and the city council, on proof of the fact, are authorized to declare the office vacant, and to appoint a successor for the remainder of the term. Idem.

SEC. 5. The city treasurer shall, whenever he shall act as collector of taxes, exercise such powers as are conferred by the general laws of the State upon township treasurers, and he shall perform such other duties pertaining to his office, as may be required of him from time to time by the city council, or by the provisions of this act. Idem.

SEC. 6. The treasurer elect in each year, before entering on the duties of his office, and within ten days after his election, shall make and file with the city clerk a bond in the penal sum of not less than one hundred and twenty-five thousand dollars, with three or more sufficient sureties, to be approved by the city council, conditioned for the faithful accounting for and proper payment of all moneys belonging to the city and coming into his hands by virtue of the office, and the prompt accounting for any paying over without delay of all other moneys coming to his hands by virtue of his office, and for the faithful and lawful performance of all the duties of his office. Treasurer elect to file bond.
Amount.

**Additional
bond.**

Whenever in the opinion of the city council, necessity therefor shall arise, the city treasurer shall make and file such additional bond or bonds as may be required by said city council, and within such time as may be directed for that purpose, which bond or bonds shall be approved by the city council.

**Treasurer to
collect all taxes
save water
taxes.**

SEC. 7. The city treasurer shall collect all taxes and assessments belonging and payable to the city, except water taxes and assessments. Commencing at the time when the city treasurer elected for the year one thousand eight hundred and ninety-eight shall assume the duties of his office, and every year thereafter, the city treasurer of Kalamazoo shall be paid a salary of twelve hundred dollars a year in full for all services and in lieu of all other emoluments; and all added percentages of taxes and assessments shall be covered by him into the city treasury, and shall be the assets of the city.

**Salary of the
treasurer.**

**Water com-
missioner to
collect water
taxes.**

SEC. 8. The water commissioner shall collect all water taxes and assessments belonging and payable to the city. He shall be paid such salary by the city as the city council may by resolution fix, in full for all services, and he shall within ten days after his appointment, make and file with the city clerk a bond in the penal sum of twenty-five thousand dollars, with two or more sureties to be approved by the city council, conditioned for the faithful accounting for and proper payment of all moneys belonging to the city and coming into his hands by virtue of his office, and for the faithful and lawful performance of all the duties of his office. He shall be *ex officio* assistant treasurer of the city and be subject to all the requirements of this chapter so far as they are applicable to his office, but he shall not have control of any moneys belonging to the city except water taxes and assessments. He shall pay over to the treasurer on the first day of every month, all water taxes and assessments collected by him during the preceding month and take the treasurer's receipt therefor, and such receipt shall be a sufficient voucher to him for the moneys so collected.

Salary.

Bond.

**Ex officio
assistant
treasurer.**

**Moneys to be
paid to treas-
urer monthly.**

**Powers and
duties of water
commissioner.**

SEC. 9. The water commissioner shall have charge of and perform all the office work connected with the water department and water taxes. He shall prepare all water tax assessment rolls and spread the water taxes thereon and perform all work in connection therewith as required by the ordinances and resolutions of the council. He shall have charge of the inspection of all water connections and instruments or appliances for measuring water, and shall enforce all ordinances, rules and regulations of the city council relating to the water department, and shall do and perform such other duties as the council shall from time to time require of him.

CHAPTER IX.

JUSTICES OF THE PEACE.

SECTION 1. Justices of the peace elected under this act shall have in all respects the same powers and duties and jurisdiction as justices of the peace of townships under the general laws of the State, and as if the city were a township, and shall be subject to all the general laws of the State in the same manner as other justices of the peace, except when in this act it is otherwise provided, or when the provisions of this act shall be inconsistent therewith.

*Jurisdiction.
etc., of justices.*

CHAPTER X.

CITY ASSESSOR.

SECTION 1. By and with the consent of the city council, the mayor shall appoint a city assessor, whose term of office shall begin on the first day of October, eighteen hundred and ninety-seven, and continue for two years, and every two years thereafter, a city assessor shall be appointed in the same manner. Such officer shall have full power and authority to perform all the duties imposed upon him by this act.

*Mayor to ap-
point city
assessor.
Term.*

SEC. 2. The city assessor, by virtue of such office, shall be a member of the board of supervisors of said county, and as such, possess the same power and authority as the supervisors of the respective townships of said county, except as in this act otherwise provided.

*Assessor to be
member of
board of su-
pervisors.*

SEC. 3. He shall perform all the duties imposed upon him by this act, and such other duties pertaining to his office, as the city council may from time to time prescribe.

Duties.

SEC. 4. In addition to the compensation received from the county as a member of the board of supervisors, he shall receive from the city such compensation as the city council may by resolution fix.

Compensation.

CHAPTER XI.

ALDERMEN.

SECTION 1. The aldermen of the respective wards shall be members of the city council, and exercise such powers and discharge such duties as are required by this act, or that may be prescribed by ordinance or resolution of the city council, and not inconsistent with this act. They shall constitute the board of inspectors of election in their respective wards, when

*Powers and
duties of
aldermen.*

not disqualified under the general laws of the State; as conservators of the peace, they shall aid in maintaining good order in the city, and in securing the faithful performance of duty by all officers of the city.

Certain aldermen to be member of board of supervisors.

SEC. 2. The aldermen of the several wards of the city whose terms will soonest expire, shall represent their several wards upon the board of supervisors of the county of Kalamazoo and perform all the duties pertaining to supervisors of the townships upon said board, and shall have all the rights, privileges and powers of the several members of such board of supervisors; in case of the inability for any reason of any of said aldermen, whose term will soonest expire, to act as a member of such board of supervisors, the other alderman of the same ward as the one who is so unable to act, shall represent said ward upon the board of supervisors of said county during the time of such inability, and shall perform the same duties and have the same rights, privileges and powers as are herein conferred upon the alderman whose term will soonest expire, and during the time of his inability to act. The provisions of this section shall go into effect on the second Monday in April, eighteen hundred and ninety-eight, and not before.

When to take effect.

CHAPTER XII.

CITY CONSTABLES.

Powers and duties of constables.

SECTION 1. The constables elected in said city shall be vested with the same powers, exercise the same duties in every respect, and be governed by the same rules as are prescribed by law in relation to constables elected in townships in this State, and exercise such other powers as are conferred by this act.

CHAPTER XIII.

CITY ATTORNEY.

Powers and duties of city attorney.

SECTION 1. It shall be the duty of the city attorney to appear for and in behalf of the city in all suits and legal proceedings wherein said city shall be a party; he shall be the legal adviser of the city council in all matters pertaining to the interests of the city, and it shall be his duty to attend upon the sessions of the council whenever requested, and to conduct the prosecutions for the violation of all city ordinances and regulations, and generally to perform such other duties pertaining to his office as may be required by the mayor or city council, and to be prescribed by ordinance or resolution. He shall be paid such salary as the council may by resolution fix.

Compensation.

CHAPTER XIV.

POWERS AND DUTIES OF THE CHIEF OF POLICE AND POLICE.

SECTION 1. The chief of police shall have the general supervision of the city and, subject to the mayor, he shall have the direction of the police of the city. As peace officer, he shall, within said city, be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order.

Chief of police
and police,
powers and
duties of.

SEC. 2. It shall be the duty of the chief of police and police to see that all the ordinances and regulations of the city council made for the preservation of good order, and for the safety and protection of the inhabitants of said city, are promptly enforced.

Idem.

SEC. 3. The chief of police and deputy chief, patrolmen, policemen and every member of the police force, shall have and exercise within said city all the power given by law to constables for the preservation of the peace, and to apprehend and arrest offenders against the laws of the State. They shall have the power to enter any disorderly or gaming house, or dwelling house or any other building where a felon is known or suspected to be secreted or harbored, or where any person is who has committed any breach of the peace, or where any felony or breach of the peace has been committed. It shall be the duty of the said chief of police and police, and they are hereby fully authorized to suppress all riots, disturbances and breaches of the peace, to arrest upon view all persons fleeing from justice; to apprehend upon view any person found in the act of committing any offense against the laws of the State, and to take such persons before the proper officer or magistrate to be dealt with according to law; to make complaints before the proper officer or magistrate of any person known or believed by them to be guilty of crime, or having violated any ordinance or regulation of said city, or any of the laws of this State, and to serve all process, writs and warrants that may be delivered to them for that purpose, or that may be required in any prosecution for the violation of any ordinance or regulation of said city, or any of the laws of this State. In prosecutions under any city ordinance or regulation of said city, the chief of police and members of the police force thereof shall have the same powers and shall perform the same duties as are given to and performed by constables under the laws of the State; and generally they shall perform all such duties pertaining to their respective offices as may be required by the city council.

Idem.

SEC. 4. The constables of the city of Kalamazoo, the sheriff and under-sheriff of the county and deputies, shall have the same powers to preserve good order and enforce the police regulations contained in this act or that may be enacted by the

Powers of
constables,
sheriff.

city council as are herein conferred on the chief of police and police; and they shall have power to serve all process, writs, and warrants in any prosecution or suit under the ordinances of said city, and to perform such acts in relation thereto as they perform in civil and criminal cases under the general laws of the State.

CHAPTER XV.

POWERS AND DUTIES OF THE CITY HEALTH OFFICER AND CITY PHYSICIAN.

Powers and duties of health officer.

SECTION 1. The health officer of the city shall have such powers and perform such duties as are conferred upon and required of health officers of townships appointed under the general laws of the State, and shall perform such other duties pertaining to his office as may be required by the city council.

Powers and duties of city physician.

SEC. 2. The city physician of the city shall render such medical assistance to the indigent poor of the city as shall be required by the city council under such regulations as the council may promulgate, and perform such other duties pertaining to his office as may be required by the city council.

Council may require health officer and physician to be one person. Compensation.

The city council may, if they so determine by resolution, require the duties of the office of health officer and of the office of city physician to be performed by the same person.

SEC. 3. The health officer and the city physician shall each be paid such compensation for their services as the city council may by resolution fix.

CHAPTER XVI.

POWERS AND DUTIES OF THE CITY COUNCIL.

General powers and duties of council.

SECTION 1. The legislative control and authority of said city shall be vested in the city council. Said council shall have control of all the finances, rights and interests, buildings and property, personal and real, belonging to said city, and may make such ordinances and by-laws, rules and regulations in regard to the same as said council may deem necessary for the care, protection and use thereof, and shall have authority to enact all such ordinances, by-laws, rules and regulations as may be necessary to carry into effect the powers by this act conferred, and to alter, amend and repeal the same at pleasure.

To adjust, etc., accounts and claims.

SEC. 2. Said city council shall have authority to adjust and settle all accounts and claims against said city, and no suit or action shall be maintained against said city on any account or claim until the same shall have been presented

to said council, and said council shall have had an opportunity to pass upon the same. The city of Kalamazoo shall not be liable to respond in any action or proceeding to collect any account or claim of any kind against said city for any greater amount than that named and set forth in the account or claim presented, as herein provided. In all cases of claims against said city for personal injuries or otherwise, the party having the claim shall present the same to the council in detailed form, giving all the substantial facts upon which the same is based, and shall present to the council, or the council committee to whom the same shall be referred by the council, at such time and place as shall be convenient for the council, or council committee to which the claim is referred, as aforesaid, and not exceeding thirty days from the time of presentation of the claim, all the evidence in his possession, or of which he or his attorney has knowledge, tending to prove the facts in the case and submit the same to the full and complete examination of said council, or council committee: *Provided*, That said hearing may be adjourned from time to time to suit convenience of the parties, not exceeding thirty days more than herein provided; and it shall be a sufficient and complete defense to any action, or proceeding for the collection of any such claim or demand, against the city, that such claim or demand and the evidence upon which the same is based, has not been presented, as hereinbefore provided. All claims for damages against the city growing out of the negligence or default of said city, or of any officer or employé thereof, shall be presented to said city council in the manner above provided within four months after such claim shall arise, and in default thereof, such claim shall thereafter be forever barred.

The city shall not be liable for more than set forth in the account.

Proceedings in case of claim for personal injuries.

Proviso.

What to be a complete defense.

Damages in case of negligence of city.

SEC. 3. A majority of the city council shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time.

Quorum.

SEC. 4. In case of the absence of the mayor, or his inability to act for any reason, said council shall have power to select from its own number a president *pro tem*, who shall have all the power and perform all the duties of the mayor for the time being, but he shall not do or perform any act within the time provided hereby, without the consent of the mayor, which would deprive the mayor of his right of disapproval of any action, or proceeding of the council, which by the provisions hereof should be submitted to him for approval or disapproval.

President pro tem.

What he shall not do.

SEC. 5. The said city council are vested with full power to appoint the city officers provided for in this act, to compensate the same from the funds of said city, and [prescribe] prescribe their powers and duties not specifically defined by this act.

Appointment of officers.

SEC. 6. The city council shall hold stated meetings as often as one in each week, and may hold special meetings as often

Meetings of.

- as necessary. The time of holding meetings shall be fixed and determined by said council, and if any stated meetings shall fall on a legal holiday, such meeting, by reason thereof and without further action by said council, shall stand adjourned until the next succeeding day upon which the same can be legally held. Within one week after each meeting of the city council, all the proceedings had thereat shall be published in at least one newspaper in said city, and the proceedings so published shall be a copy of the proceedings as they appear upon the record of the same kept by the city clerk, without interpolation.
- Proceedings to be published.**
- Civil engineer.** SEC. 7. The city council shall have authority to appoint and compensate a civil engineer, unless otherwise provided in this act, who shall have such power and perform such duties pertaining to his office as the council may prescribe.
- Street commissioner.** SEC. 8. The city council shall have authority to appoint and compensate a suitable person as street commissioner of said city, unless otherwise provided in this act, who shall have such power and perform such duties pertaining to his office as the council may prescribe.
- Deputy chief of police.** SEC. 9. The city council may, if they deem it necessary, on the nomination of the chief of police, appoint and compensate a deputy chief of police, who shall be subject to the control of the chief of police, and have the same powers and perform the same duties as the chief of police, and for whose acts, the chief of police shall be responsible.
- Registration.** SEC. 10. The city council may provide by ordinance for the registration, previous to any election, of the electors of said city.
- All indebtedness against the city to be lawful.** SEC. 11. Each and every act of the city council had and taken before the passage of this act in relation to borrowing money for the use of said city, is hereby declared to be lawful, and all the indebtedness existing, and outstanding against said city by reason of any act had and taken by said city council before the passage of this act, incurred for materials purchased or moneys borrowed, together with all obligations given therefor, is hereby declared to be lawful, and the same shall constitute lawful and just claims against said city, and said city council shall, out of the moneys raised by the annual tax levy, cause to be paid annually hereafter upon the present existing unsecured indebtedness of said city at least thirty thousand dollars, and in addition thereto annually, all interest due upon said indebtedness, until the whole of the present existing unsecured indebtedness of said city shall be fully paid. And from and after the passage of this act the city council shall have power to borrow money and incur indebtedness for necessary expenses and for public improvements to be made in said city: *Provided*, That the total indebtedness created by said city council in any year shall not exceed the amount of the tax levies for that year: *And provided further*,
- Annual payments to be made.**
- Council may borrow money.**
- Proviso.**

That said city council shall have power to borrow additional moneys for the purpose of renewing or replacing any loans outstanding against said city at the date of the passage of this act, under the foregoing provisions of this section. The question of borrowing money may be submitted to the electors of said city at the annual election or at a special election called for that purpose by the city council, and in case a majority of the qualified electors voting in such election shall vote by ballot in favor of borrowing money, the city council shall have power to borrow money not exceeding the sum so voted, and to issue bonds for the amount so voted to extend for a term of years at a rate of interest to be fixed by the city council. In all cases of the issue of bonds, the city council shall provide by resolution for a sinking fund for the payment of such bonds and the interest thereon, and the moneys in said sinking fund shall be used for no other purpose than the payment of the principal and interest of such bonds.

Question of borrowing money to be submitted to the electors.

Sinking fund to be provided for the payment of bonds.

SEC. 12. The city council shall have power to investigate charges against any elected or appointed officer of the city, and such other municipal matters as they may deem proper to investigate. To enable said council so to do, any justice of the peace of the city of Kalamazoo is authorized, at the request of the council, or the chairman of any investigating committee, to issue subpoenas, or process by warrant, to compel the attendance of persons and the production of documents, books and papers before said council or committee; and the mayor of the city shall have like power to issue such subpoena and process.

Investigate charges against officers.

SEC. 13. Whenever the city council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before such council or committee, the presiding officer of the council, or chairman of such committee, for the time being, shall have power to administer the necessary oaths, and such council or committee shall have the same power to compel witnesses to testify as is conferred on justice courts.

Administer oaths.

SEC. 14. The city council may acquire, purchase, improve, repair, erect or lease all such public buildings as may be required for the use of the corporation, and may purchase, lease, acquire, appropriate and own such real estate and property as may be necessary for public grounds, parks, commons, markets, public buildings, cemeteries and other purposes necessary or convenient for the public good and the execution of the powers by this act conferred; such buildings and grounds or any part thereof may be sold at either private sale or public auction, or leased, as occasion may require by the city council: *Provided*, That no money shall be taken or appropriated from the funds of said city for the purpose of purchasing or leasing any building site, erecting any public building, or establishing any park, common, public ground or mar-

Acquisition, etc., of property, buildings.

Proviso.

ket, without the concurring vote of two-thirds of all the members of the city council.

Parks, public grounds.

SEC. 15. The city council shall have authority to lay out, establish, enlarge, vacate and discontinue, within the corporate limits of the city, streets, alleys, parks and public grounds, and to improve, light and ornament the same, to regulate the care thereof and to protect the same, and all the appurtenances thereto, from obstructions, encroachments, injury and all nuisances: *Provided*, That nothing herein contained shall authorize the vacating or discontinuance of "Bronson Park" in said city.

Proviso.

Highways, avenues, streets.

SEC. 16. The city council shall have full power and authority to lay out, establish, open, alter, vacate, discontinue, widen, repair, light and improve highways, avenues, streets, lanes, [alleys] alley, drains, water courses, culverts and bridges in said city whenever said council shall deem the same a public improvement or necessity, and may regulate the use thereof and protect the same from obstruction, encroachment and injury. If in laying out, establishing, opening, altering, widening, repairing or improving any highway, street, lane, avenue, alley, drain, water course, culvert or bridge, it shall be necessary to take or use any private property, the same may be appropriated in the manner provided in this act for taking private property for public use. The whole or any part of the expense of any such improvement may be paid out of the funds of the city. If it shall be determined that the city pay only a portion of such expense, the balance thereof shall be paid by special assessment upon the property adjacent thereto and benefited thereby, and such special assessments may be levied and collected as provided by this act for levying and collecting special assessments.

Council to be highway commissioners.

SEC. 17. The city council of said city shall be highway commissioners for the same, and shall have and exercise the same powers given by statute to highway commissioners of townships, so far as applicable, and except as herein otherwise provided.

Establishing grades.

SEC. 18. The city council shall have power to determine and establish the grade for all streets, avenues, alleys and public grounds within said city, and may change or alter such grades, or any part thereof, whenever in their opinion, the public convenience will be promoted thereby, but grades of streets and alleys shall not be changed or altered in whole or in part without the action of the council had previous to such changing or altering. Whenever a grade shall be established or altered, a record thereof shall be made in a book to be provided by the council for that purpose.

Record of.

To establish boundaries of streets.

SEC. 19. The city council may cause all public streets, alleys and public grounds to be surveyed and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in a book kept for that

purpose in the office of the city clerk and to be designated "book of street records." Such record shall be *prima facie* evidence of the existence of such streets, alleys or public grounds, and of the boundaries of the same.

SEC. 20. The city council shall have power to cause the public streets, highways, avenues and alleys in said city to be graded, macadamized, paved, planked or graveled, and otherwise constructed, improved and repaired, and the gutters paved. The cost and expense thereof may be paid by the corporation, or the same or any part thereof, as the council may determine, may be assessed on the property adjacent thereto and benefited thereby. Such assessments may be levied and collected as by this act provided for levying and collecting special assessments. The terms "paved" and "macadamized" shall be deemed to include gutters, curbing, cross-walks and ballasting. Macadamizing,
paving.

SEC. 21. The city council shall have power to regulate the construction of all sidewalks and cross-walks in the public streets and alleys of said city, and may prescribe the grade thereof and change the same when deemed necessary. Said council shall have power to order the construction and maintenance of sidewalks and cross-walks in the public streets and alleys of said city and charge the cost and expense of sidewalks upon lots and premises abutting upon such walks. Sidewalks.

SEC. 22. The city council shall have power to require the owners and occupants of all lots and premises to construct, repair and maintain sidewalks in the public streets and alleys of said city adjacent to said lots and premises, whenever said council shall deem the construction, repair or maintenance of the same a public necessity; and said council shall have power to require all sidewalks to be constructed and laid upon such lines and grades and of such width and materials, and manner of construction, and within such line as said council may order, or by resolution or ordinance prescribe. The council shall also have full and complete power to provide by ordinance for the building and repairing of sidewalks by the owners or occupants of premises, and of the form and kind of notice to be given relative thereto, and for assessing the cost and expense of sidewalks to owners and occupants who shall neglect or refuse to build the same when ordered by the council, and they may, by ordinance or resolution, provide that such expense shall become a lien on the land, when assessed as a tax, or that it may be collected by suit. In event that the city shall be compelled to pay any judgment for damages because of the personal injuries received on any defective sidewalk within the limits of the city, the city may recover the amount so paid from the owner, or owners, of said lot or premises adjacent to such defective sidewalk: *Provided, however,* That such owner, or owners, are notified of the commencement of the proceeding in which such judgment shall be Idem.

Notice.

Expense to be
a lien on land,
when.

Owner to be
liable for per-
sonal injuries
received on
defective side-
walk.

Provido.

Proviso.

Owner to be
impleaded as
party defend-
ant in cause.

How city may
recover ex-
penses of
building
sidewalks.

Additional
powers of
council.

To prevent
vice, immor-
ality.

secured against the city and given an opportunity to defend the same: *And provided, also,* That such owner, or owners, of such lot or premises, shall have been notified of such defects before such injuries shall have been received, and in case such owner or owners cannot be found within the city, service of such notice upon the occupant of such lot, or premises, shall be sufficient notice to such owner or owners. And in all cases brought against the city to recover damages on account of injuries sustained in consequence of defects in any of the sidewalks of said city, the city may, upon application to the court in which such suit is brought, and after notice thereof to the owner or occupant of the lot, or premises, adjacent to the sidewalk where such injury is alleged to have occurred, be permitted, in the discretion of the court, to implead such owner of such lot or premises, as a party defendant in said cause, and in case a judgment shall be rendered as against the city, a further judgment may, upon motion, be entered as against such owner of said lot, or premises, so made a party defendant for the full amount of the damages and costs for which the plaintiff recovered judgment, and the city shall be entitled to execution therefor.

SEC. 23. If the owners or occupants of any lot or premises shall fail to construct, repair or maintain any particular sidewalk, as mentioned in the last section above, the city council may cause the same to be done at the expense of such owner, or occupant. Such expense may be assessed upon the premises adjacent thereto as provided in this act and be collected with the annual taxes therein, or the same, together with costs of suit, may be recovered in an action of *assumpsit*, and in all such actions it shall be sufficient, as a declaration, to declare on the common count in *assumpsit* for labor and materials furnished, and a statement of the materials furnished and labor expended in constructing any such sidewalk with the value of such material and labor, verified by the officer under whose charge any such walk may have been constructed, shall be *prima facie* evidence of the right of the city to recover the same.

SEC. 24. The city council, in addition to the powers and duties especially conferred upon them by this act, shall have full power and authority to enact, make, continue, establish, modify, amend and repeal at pleasure, such by-laws, rules, ordinances and regulations as they may deem desirable for the following purposes:

First, To prevent vice and immorality, to preserve the public peace and good order, to regulate the police of the city, to prohibit, prevent and quell riots, disturbances and disorderly assemblages in streets or elsewhere in said city; and to prohibit the use of vulgar, profane and indecent language in the public streets and places of said city;

Second, To prohibit, prevent and suppress disorderly and gaming houses, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables and bowling alleys; Disorderly houses.

Third, To prohibit, restrain or prevent persons from gaming for money or other valuable things, with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines or other instruments or devices whatsoever, and the keeping of any building, place, instruments, devices or means for such gaming; Gaming.

Fourth, To prohibit, prevent and suppress all lotteries for drawing or disposing of money or property, or valuable thing whatsoever, and to punish all persons maintaining, directing or managing the same, or aiding in the direction, maintenance or management thereof; Lotteries.

Fifth, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of the State, and to prohibit, restrain and regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law and to fix the fee to be paid by auctioneers; Spirituous liquors.

Sixth, To prohibit, prevent, regulate, abate or remove nuisances of every kind, including nuisances caused or created by smoke, and to declare what shall be considered nuisances, and to compel the owner or occupant of any factory, building, smoke stack, chimney, grocery, provision store, tallow Chandler shop, butcher's stall, slaughter house, market, soap factory, tannery, stable, privy, privy vault, hog-pen, sewer or other unwholesome house or place, to cleanse, remove, or abate the same from time to time as they may deem necessary for the health, comfort and convenience of said city; Nuisances.

Seventh, To direct the location of all buildings for storing gun powder or other combustible or explosive substances, and regulate and provide for the keeping, selling and using of such gun powder and other explosive substances; to make regulations concerning the buying, carrying, selling, keeping and using gun powder, firecrackers, or fire works, or other combustible, inflammable, explosive or dangerous articles; the exhibition of fire works and the discharge of cannon and firearms; and the use and kind of lamps or lights to be used in barns, stables and all buildings usually regarded as extra hazardous on account of fire, and to regulate, prevent and restrain the making of bonfires in streets, lanes, alleys and public places; Combustibles.

Eighth, To prohibit and prevent obstructions and incumbrances in the public highways, streets and alleys, and to remove the same; to prohibit encroachments upon any public street, highway or alley, and to punish those who shall obstruct, incumber, encroach or maintain any encroachment upon any street, highway or alley in said city, and to require Encumbrances, etc., in streets.

Signs.	all such persons to remove every such obstruction, incumbrance or encroachment; to regulate and prohibit the placing of signs, goods, wares and merchandise, boxes, vegetables and other materials on public sidewalks; to regulate and prohibit the suspension of signs, banners, advertisements and devices
Awnings.	in, over, across or upon any public street or alley; and to regulate the suspension of awnings; to regulate or prohibit all such
Sports.	sports, amusements, proceedings and gathering of crowds in the street as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to regulate,
Telegraph and telephone poles.	prohibit or prescribe the manner of placing telegraph and telephone [poles] polls, or [poles] polls of any kind in the public streets and grounds; to regulate the manner of making all open-
Removal of soil from streets.	ings in and removals of the soil of public streets for the laying or repairs of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose, and may prevent all such removals and openings of the soil, except by express permission of the city council, and at such time and upon such terms and regulations as they may prescribe; to prevent any wilfull injury to streets, sidewalks, cross-walks and gutters; to prohibit, prevent and remove and abate all nuisances in the public streets, alleys, highways and public grounds, and to require the authors and maintainers thereof to remove the same; and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and the safety of persons and property in lawful use thereof;
Hitching of horses.	<i>Ninth</i> , To require any horse, horses, mules or other animals attached to any vehicle, or standing in any of the streets, lanes, alleys or public grounds or places in said city, to be securely fastened, held or watched, and to prevent horse racing and immoderate riding or driving in any street, lane or alley with any animal or animals, or with any vehicle not drawn or propelled by any animal, and to authorize the stopping and detaining of any person who shall be guilty of racing or any immoderate riding or driving in any street, lane or alley, and to regulate riding or driving over bridges in said city;
Horse racing and immoderate driving.	<i>Tenth</i> , To determine and designate the route and grade of any street railway to be laid or constructed in said city, and to regulate the use and speed of locomotives, engines and cars upon railroads within said city, and to compel the railroad companies, their officers, agents, managers and employes, to station flagmen at street crossings, and to prescribe the length of time that engines and cars may stand on said streets or street crossings, or otherwise obstruct them, or to prohibit the same, and to make such other rules and regulations concerning the same as to secure the safety of the citizens or other persons;
Railways, locomotives and cars.	<i>Eleventh</i> , To restrain, apprehend and punish drunkards, vagrants, mendicants and begging in the street, and persons
Drunkards.	

found drunk in any public street or place of the city; to regulate street parades and bodies parading in public streets, and to define the conditions under which bodies may parade, and the streets that may be used for that purpose, and to prevent the public streets from being used for that purpose, except as regulated by the city council; **Parades on public streets.**

Twelfth, To regulate or prohibit bathing in any public place, to provide for cleaning the river, ponds and streams within the limits of said city, and the races and canals connected therewith, of all driftwood and noxious matter, and to prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive, or drawing the water therefrom at such time and to such an extent as to make localities near them unhealthy, or to cause the atmosphere in their vicinity to be unwholesome or offensive; to designate the location of all stockyards, and to regulate and cause the same to be removed to such localities; **Bathing, cleaning of ponds.**

Thirteenth, To establish and regulate one or more pounds, and to prevent the running at large of horses, cattle, swine and other animals, geese, chickens, turkeys and other fowls, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding; **Stockyards.**

Fourteenth, To prohibit and prevent the running at large of dogs, to require them to be muzzled, to require them to be licensed, and to authorize them to be killed when running at large in violation of any ordinance, and to prohibit any person from placing, exposing or administering any poison to any fowl, dog or other animal not his own; **Pounds.**

Fifteenth, To prohibit any person from bringing into said city or depositing or suffering to remain therein any dead carcass or other unwholesome or offensive substance; to compel the removal or destruction of all putrid meats, fish and offensive vegetable matter; **Dogs.**

Sixteenth, To compel all persons to keep sidewalks in front of or adjoining premises owned or occupied by them, clear from snow, ice, dirt, signs, boxes, goods, wares, merchandise and other obstructions; **Unwholesome or offensive substances.**

Seventeenth, To prevent or regulate the ringing of bells and crying of goods and other commodities or other disturbing noises in the streets, lanes, alleys or in any public place, or on private property adjoining thereto; **Cleaning sidewalks.**

Eighteenth, To prescribe the powers and duties of policemen and watchmen not specifically defined by this act, and to require them to be uniformed and to fix their compensation; **Ring of bells.**

Nineteenth, To provide for the sealing of weights and measures; to enforce the keeping and use of proper weights and measures by venders; and to regulate the construction, repair and use of vaults, cisterns, areas, hydrants, sewers and gutters; **Policemen and watchmen.**

Twentieth, To regulate all graveyards in said city and the burial of the dead; **Weights and measures.**

Grave yards.

Markets.

Twenty-first, To regulate the markets, the vending of hay, wood, meats, vegetables, fruit, fish, grain and provisions of all kinds, and of other goods or property in the streets, lanes, alleys, and public places, and to provide or prescribe stands for exposing the same for sale; to regulate the inspection, weighing and measuring of brick, lumber, wood, coal, hay and any articles of merchandise;

Water-works.

Twenty-second, To establish, provide and regulate water works, to prevent the waste of water and to regulate and control the use thereof; to provide for and regulate connections with the water pipes and mains in said city and to punish for all unauthorized connections and interference with the same; and to regulate water rates and charges for the use thereof and to provide for the collection of the same;

Lighting of streets.

Twenty-third, To provide for and regulate the lighting of the streets, alleys and public places, and to provide for the protection and safety of public lamps and property used for or in connection with any system of lighting; to establish lighting works; to employ suitable persons to superintend the same and fix their compensation;

Runners, draymen, hackmen.

Twenty-fourth, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, hacks, omnibuses, carriages, sleighs, express vehicles and vehicles of every other description used and employed for carrying persons or goods for hire. and to fix and regulate their rates of fare and compensation; to license and regulate all vehicles of every kind used for the transportation of persons or property for hire in said city and to prescribe stands for the same;

Inspection of meats and provisions.

Twenty-fifth, To provide for and regulate the inspection of meats, poultry, fish, butter, lard, cheese, vegetables, flour, milk and other provisions, with full power and authority to provide for and regulate the inspection of milk at the dairy, farm or place where the same is produced when said milk is intended to be sold within the city, although said dairy, farm or place may be outside of the city limits, and the person or persons producing said milk outside the city limits, and the person or persons selling such milk within the city shall be governed and controlled by and be subject and amenable to any ordinance or regulation enacted by the city council relating to such inspection at the place where milk is produced when sold within the city limits the same as they would be if producing said milk within the city limits; to regulate and license all taverns and houses of public entertainment, restaurants and eating houses; to restrain, license and regulate saloons, and to regulate and prescribe the location thereof;

License public houses and saloons.**Peddlers.**

Twenty-sixth, To license hawkers, peddlers and pawnbrokers, and hawking and peddling, and to regulate, tax and license the sales or peddling of goods, wares, merchandise or any

kind of property at wholesale, retail or by auction, or by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicles or other device in the streets, highways, alleys or in or upon any public grounds or buildings in said city; and also to regulate and license bill posting and the distribution of advertising matter within the limits of said city, and to license, tax and regulate itinerant merchants, transcient and temporary venders of goods, chattels or merchandise;

Bill posting.

Twenty-seventh, To license auctioneers, auctions and sales at auction; to regulate or prohibit the sale of live or domestic animals at auction in the streets, alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property or anything at auction, or by any manner of public bidding or offers; to license the same and to regulate the fees to be paid by auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;

Auctions, and auctioneers.

Twenty-eighth, To regulate, license, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all exhibitions for which money or other reward is in any manner demanded or received; lectures on historic, literary and scientific subjects excepted;

Circuses, shows.

Twenty-ninth, To prevent and punish for the disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose; and prevent and punish for assembling or loitering about churches during the progress of any religious meeting or at the close thereof;

Disturbance of religious meetings.

Thirtieth, To provide for and regulate a place or places for hitching teams in said city, to erect and maintain suitable hitching posts; to prohibit all practices, amusements and doings in the streets, lanes, alleys and public places in said city having a tendency to frighten teams and horses, or dangerous to life, limb or property; to remove or cause to be removed therefrom all buildings and structures that may be liable to fall and endanger life, limb or property; to preserve quiet and good order in the streets and other public places, and at the arrival and departure of railroad trains; to prevent assemblages on street corners or other public places in the public streets, to the annoyance or inconvenience of pedestrians; to prevent persons, not passengers, or railroad employes from jumping on and off the cars; to prescribe and regulate the manner and places in which drivers, porters, runners, solicitors, agents and baggage collectors for hotels or public houses or places of public resort, draymen, cabmen, cartmen, hackmen, omnibus drivers and solicitors for passengers or baggage, with their drays, carts, cabs, carriages, sleighs, hacks, omnibuses or other vehicles, shall stand at any depot or other place in said city;

Hitching posts.

Dangerous structures.

Quiet and order in streets.

Assemblages in streets.

Stands for hacks.

Unsafe build-
ings.

Thirty-first, To prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations in relation to buildings deemed unsafe; and to provide and regulate the duties of the board of building inspectors in addition to the power given by the general laws of the State and not inconsistent therewith; to regulate and compel the covering of mill races; to regulate, improve, alter, widen or change the channel of Arcadia brook and other streams flowing through said city, on making compensation to persons whose property may be taken for such purpose;

Construction
of private
drains.

Thirty-second, To regulate the construction of private drains, sinks, cesspools and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, and to pull down or remove any buildings, fence or structure which may be unsafe or liable to fall and injure persons or property, or to cause the same to be done by some proper officer of the corporation, and to assess the expense thereof on the lot or premises, having such building, structure, private drain, sink, cesspool or privy thereon;

Fixing com-
pensation of
officers, fees.

Thirty-third, To fix and regulate the compensation of all officers of the city in cases not herein otherwise fixed or regulated by law; to fix and regulate the fees of justices of the peace, jurors and witnesses in any proceeding under this act, not herein otherwise fixed or regulated by law;

Unwholesome
food.

Thirty-fourth, To prohibit, prevent and suppress the sale of every kind of unsound, nauseous or unwholesome meat, poultry, fish, vegetables or other articles of food and provisions;

Disorderly
houses.

Thirty-fifth, To prohibit, prevent and suppress the keeping of houses of ill-fame or assignation, or for the resort of common prostitutes; disorderly houses and places; to restrain and punish the keepers thereof, and persons found therein; to punish and restrain common prostitutes, vagrants and drunkards, and disorderly persons; to prohibit, prevent and suppress mock auctions and every kind of fraudulent game, device or practice, and to secure said city and its inhabitants against injuries by fires, thieves, robbers, burglars and other persons violating the public peace;

To prevent dan-
gerous, un-
wholesome, or
offensive
business.

Thirty-sixth, To prohibit and prevent, within certain limits or districts in said city, the location or construction of buildings for storing gunpowder, tanneries, distilleries, buildings for the manufacture of any combustible or inflammable material, slaughter houses and yards, butchering shops, soap factories, candle, starch and glue factories, establishments for steaming or rendering lard, tallow, offal and such other substances as can be rendered into tallow, lard or oil, and all establishments where any nauseous, offensive or unwholesome business may be carried on; and such buildings, factories, shops and establishments as aforesaid, now or hereafter to be constructed in said city, together with blacksmith shops,

foundries, cooper shops, steam boiler factories, carpenter shops, planing establishments and all buildings usually regarded as extra hazardous in respect to fire shall be subject to such regulations in relation to their construction and management as the city council may make, with a view to the protection of any persons or property from fire, or for the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances;

Thirty-seventh, To determine and regulate the construction of division or partition fences, and of partition walls, the walls of buildings and their thickness; to regulate the construction of chimneys, hearths, fireplaces and fire arches, ovens and the putting up of stoves, pipes, kettles, boilers or any structure or apparatus that may be dangerous in causing or promoting fire; to compel and regulate the cleaning of chimneys, flues and fix the fees therefor; to compel and regulate the construction of ash houses or depositories; to guard against fire, to compel the owners of buildings to have scuttles in the roofs thereof and ladders leading thereto; to authorize the proper officers to examine all buildings and enclosures to discover whether the same are in a dangerous or unwholesome state and to cause such as are dangerous or unwholesome to be put in a safe and wholesome condition; to authorize the officers of the city to keep all suspicious persons away from the vicinity of fires and in the preservation of property exposed to danger therefrom;

Partition fences and walls, chimneys, stove pipes.

Thirty-eighth, To provide for taking a census of the inhabitants of said city whenever the city council may see fit; to erect and provide for the erection of all needful buildings and offices for the use of the city or its officers, and to control and regulate the same; to provide for printing and publishing matters required to be printed and published under this act or by order of the city council; to purchase and control land for cemetery purposes either within or without the corporation limits of said city;

Census.

Thirty-ninth, To provide for the protection and care of indigent persons and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon said city;

Indigent persons.

Fortieth, To prevent and regulate the sale, giving away, or keeping for sale, toy pistols and all other toy instruments and devices in which gunpowder or other explosive material is used, and to prohibit the use of slings and devices commonly called "bean-flippers" and "blowguns;"

Toy pistols.

Forty-first, To provide for and regulate the planting of shade and ornamental trees in the public highways, streets and avenues of said city; to protect the same from injury, and to protect the shade trees in the public streets, highways, alleys, parks and public grounds of said city from injury and destruction;

Shade and ornamental trees.

Street railways. *Forty-second*, To permit the construction and operation of street railways in said city and to regulate the same;

Exclusive permits. *Forty-third*, No exclusive permits or privileges shall be granted by the council to any person or persons or to any corporation for any purpose whatever;

Safety, good order. *Forty-fourth*, Further, said city council shall have authority to enact all ordinances and make all such regulations consistent with the laws and constitution of the State as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof and the protection of property therein, and to enforce the same by suitable fine, penalty, forfeiture, costs or imprisonments, or by fine and imprisonment, or by fine, imprisonment and costs.

Granting, revoking, etc., of licenses. SEC. 25. The council may prescribe the terms, conditions, and time, not exceeding one year, upon which licenses may be granted, and direct the manner of issuing and registering the same, and by what officer they shall be issued and the fees collected, and prescribe the amount of money that shall be paid therefor. Licenses shall not be transferable and shall contain all conditions upon which the same are held, including the right of temporary revocation by the chief of police of the city during the interim between meetings of the council, when he shall deem it necessary. Every license shall be revocable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license. The city council may provide for punishment by fine or imprisonment, or both, of any person, who, without license, shall exercise any occupation or trade or do anything for or in respect to which any license shall be required by any ordinance or regulation of the said council or by this act. All sums received for licenses granted for any purpose by the city under its authority shall be paid into the city treasury to the credit of the general fund.

Punishment for doing certain business without license.

License money to go to general fund.

Regulation of laying of railroad tracks.

SEC. 26. The city council of said city shall have authority to permit any railroad company to lay its track and operate its road with steam locomotives in or across the public streets, highways, or alleys of said city, as said council may deem expedient, upon such terms and conditions and subject to such regulations, to be observed by the company, as the council may require; and to prohibit the laying of such track or the operating of any such road except upon such terms and conditions.

Compelling railroad companies to open and repair ditches, culverts.

SEC. 27. The city council shall have power to require and compel any railroad company, and any street railway company, to make, keep, open, and repair such ditches, drains, sewers and culverts along, under and across their railroad

track as may be necessary to drain their grounds and right of way properly, and in such manner as the council may direct, and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirement, according to the direction of said council, said council may cause the work to be done at the expense of such company and the amount of such expense may be collected of such company at the suit of the city of Kalamazoo in an action in *assumpsit* before any court having jurisdiction of the case, and in all such actions, it shall be sufficient to declare on the common counts in *assumpsit* for labor and materials furnished.

When companies neglect to comply.

SEC. 28. Said city may acquire, hold, own, control and regulate such cemeteries and grounds for cemeteries or public burial place or places, either within or without the limits of the corporation, as in the opinion of the city council shall be necessary for the public welfare. Said council shall have power to order the use for burial purposes, of any burying ground or cemetery belonging to the city, to be discontinued whenever they may deem the same necessary; and to provide for the return of bills of mortality, and burial statistics. The coroners of the county of Kalamazoo shall make returns to the health officer of the city of all deaths occurring within the city where inquests are held, and attach thereto a duplicate finding of cause of death.

Regulation of cemeteries.

Coroners to make return to health officer.

SEC. 29. The council shall have power to compel the attendance of the members at all regular meetings by fine.

Compel attendance of members at regular meetings.

SEC. 30. In case any member of the council, whose term shall not expire with the year, shall tender his resignation, to take effect at the time of the coming in of the newly elected aldermen, elected at any annual election, it shall be competent for the council to accept his resignation, to take effect at such date, and to order the election of an alderman at the coming election to fill such prospective vacancy. A vacancy shall be deemed to have occurred in any elective office of the city or of the different wards, except the office of recorder, upon the happening of any of the events mentioned in section six hundred and forty-nine of Howell's Annotated Statutes of the State of Michigan, as creating a vacancy. A vacancy shall be deemed to have occurred in the case of any ward officer who shall remove from the ward in which he was elected during the term for which he was elected. Any elective officer of the city or of its wards may resign his office by tendering his resignation to the city council. When a vacancy shall occur in any of said offices, such vacancy shall, as soon as may be, be filled by appointment by the city council, to be made at any regular or special meeting thereof. Vacancies in offices elective by the different wards shall be filled from electors of the ward in which they occur. Any person so appointed by the council shall hold his office until the next annual city election, and until his successor is elected and

In case of resignation of alderman.

When a vacancy shall be deemed to have occurred.

Removal from ward of ward officer deemed to make vacancy.

How vacancies to be filled.

Term of office of persons appointed to fill vacancy.

Person to fill
vacancy to give
security.

When council
to grant fran-
chise.

When council
may dispose
of real estate.

Two-thirds of
council neces-
sary to accept
plat, when.

Idem.

When register
of deeds to
record plats.

qualified. In case any part of the original unexpired term of such office so filled by appointment extends after the time when officers elected at the annual city election next following the time when the vacancy occurs are to qualify, such unexpired term shall be filled at such election by the ward or city as the case may be. When a vacancy in any such office shall be filled by election or appointment, the person so appointed or elected shall give like security and be subject to like duties and responsibilities, and have the same powers and compensation as the officer in whose place he was appointed.

SEC. 31. The council shall not grant any franchise until the party or parties asking for the same shall advertise the terms of the grant asked for in two newspapers published in said city, once in each week for four weeks previous to the time such grant shall be voted by the city council. The party asking for the franchise shall pay the expenses of advertising. The council shall not dispose of any real estate belonging to the city until such proposed disposal shall have been advertised as above, either by the city or other party interested.

SEC. 32. The council shall not, except by a two-thirds majority of all the members of the council, accept any plat or subdivision of any lands or premises, in the city of Kalamazoo, hereafter made, having thereon streets, lanes or alleys which are intended to be or are dedicated to public use by such plat or subdivision until such streets, lanes or alleys so intended to be dedicated to public use are brought to a grade to be established by the city council of said city.

SEC. 33. The city council shall not, except by a two-thirds majority of all the members of the council, accept any plat or subdivision of any lands or premises, in the city of Kalamazoo, hereafter made, until streets have been platted and dedicated thereby to public use in continuance of any streets which have been dedicated to public use prior thereto, and terminating at the boundary lines of such lands or premises so platted or subdivided and are of the same width, nor until all streets intended thereby to be dedicated to public use, and which are intended to be continuations of streets terminating at the boundary lines thereof, are so platted as to be exact continuations of, and of the same width of, such streets terminating at the boundary lines thereof.

SEC. 34. The register of deeds of Kalamazoo county, [or] of his deputy, shall not receive for record, or record, any plat or subdivision of any lands or premises, in the city of Kalamazoo, unless the same shall have endorsed thereon a certificate signed by the city clerk of said city under the seal of said city, showing that such plat or subdivision has been accepted and approved by the city council of the city of Kalamazoo.

CHAPTER XVII.

SEWERS AND DRAINS.

SECTION 1. The city council shall have full power to establish, construct, maintain, repair, enlarge and discontinue, within the highways, streets, alleys, public and private grounds of said city, such sewers, lateral sewers and drains as they may deem necessary, or which in the determination of the council may be deemed necessary for the preservation of the general health of the city; such sewers may be constructed of such form and material as the council may deem best; said council shall have full power and authority to carry out and complete under the provisions of this act, any system or plan of sewerage heretofore adopted for the village and city of Kalamazoo the same in all respects, so far as possible, as if such system of plan had been adopted after the passage of this act.

Construction and repair of sewers and drains.

SEC. 2. Whenever the city council shall determine that it is necessary to take or appropriate any private property through or upon which to construct any sewer or drain, the same may be taken or appropriated as provided in this act for taking private property for public use.

Taking of private property for.

SEC. 3. The expenses of constructing any sewer, lateral sewer, connecting sewer, or drain, may be paid by special assessment upon the property adjacent thereto or benefited thereby in the manner in this act provided for levying and collecting special assessments, or in the discretion of the city council, any portion of such cost and expenses may be paid by special assessment as aforesaid and the balance from the funds of said city.

Expense of construction.

SEC. 4. The city council may direct and regulate the construction of sewers and drains for the purpose of more effectually draining all lots, cellars, yards, sinks, privies and cess-pools within the limits of said city, whenever, in their opinion, the same shall be necessary. Such sewers and drains shall be constructed through any of the streets or alleys adjoining or in front of the premises through which sewers or drains shall be ordered constructed and the council may assess the whole or any part of the expense thereof on such lots and premises benefited thereby.

Council may order construction of drains.

SEC. 5. The said city council may, when they deem it necessary, direct the owner or occupant of any premises, lots and subdivisions thereof, within said city and contiguous to any public sewer or drain, to connect therewith by ordinance or otherwise, and construct, alter or repair private drains and sewers from such premises, lots and subdivisions thereof; and in case any such owner or occupant shall neglect or refuse to connect, construct, alter or repair such private drain or sewer

Ordering construction of private drains.

In case of neglect or refusal.

as directed by said city council, said council may cause the same to be done under the direction of some officer of the city, and the cost and expense thereof may be assessed on such premises, lots or subdivisions thereof, and collected as in this act provided for the collection of special assessments, or the same may be collected by suit in the name of the city of Kalamazoo against the person assessed, in an action of *assumpsit*, in any court having jurisdiction of the amount. In every such action a declaration on the common counts for money, labor and material furnished, shall be sufficient.

Connections
with public
sewers.

Inspection of
house sewer-
age.

SEC. 6. The city council shall have power to direct and regulate all house connections with any public sewer, and may provide by ordinance for the punishment of persons violating such regulations or any other regulation or ordinance in relation to sewers or sewerage; any person or officers of the city, under the direction of the city council, shall have the right and are hereby authorized to inspect any premises, house or other building, for the purpose of examining the sewerage or sewer connections, or to repair, alter or construct any sewer or drain which any owner or occupant has failed or neglected to do, after having been so as aforesaid directed to do by said council.

Tax for.

SEC. 7. The city council may provide for the levying and collecting of an annual tax for the purpose of constructing and keeping public sewers and drains in repair.

Ordinances in
reference to.

SEC. 8. The city council shall have power to pass such ordinances and make such rules and regulations in relation to sewers, sewerage, making sewer and house connections, and the property and material used in connection therewith, as they may deem necessary for the proper use and protection thereof, and to punish all persons guilty of violating the same; and said council shall also have power to license and regulate plumbers and other persons doing work in relation to constructing sewers and making sewer connections, and to prohibit other than those licensed from doing the same.

CHAPTER XVIII.

FIRE DEPARTMENT.

Establishment
and mainten-
ance of.

SECTION 1. The city council shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for the same purpose, to establish and maintain a fire department, to organize and maintain fire companies, to employ and appoint firemen, to make and establish rules and regulations for the government of the department, the employes, firemen and officers

thereof, and for the care and management of the engines, apparatus, property and buildings pertaining to the fire department, and prescribe the powers and duties of such employés, firemen and officers.

SEC. 2. The city council may purchase and provide suitable fire engines, and such other apparatus and instruments and means for the use of the department as may be deemed necessary, and make all necessary provisions for a convenient and sufficient supply of water for the use of the department.

Fire engines.

SEC. 3. The city council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams and fire apparatus belonging to the fire department.

Engine houses.

SEC. 4. The city council may prescribe by ordinance for the appointment of and shall appoint such number of fire wardens as may be necessary; and for the examination by them, from time to time, of the stoves, furnaces and heating apparatus and devices in or near the dwellings, buildings and structures within the city, and in all places where combustible or explosive substances are kept, and to cause all such as are unsafe with respect to fire, to be put in safe condition.

Fire wardens.

SEC. 5. Every building or structure which may be erected, placed, enlarged, repaired or kept in violation of any ordinance or regulation in regard to fire, is hereby declared to be a nuisance, and may be abated (or removed) by direction of the city council.

Certain structures declared nuisance.

SEC. 6. On the nomination of the organized and accepted fire companies in said city, the city council may appoint a chief engineer and such assistant engineers as said council may deem necessary, who shall have such power and perform such duties in relation to their respective offices as said city council may direct. Said city council may also appoint such other officers of the department as they may deem proper, and prescribe their powers and duties. In case said organized fire companies shall fail to nominate a chief and assistant engineer as in this section provided, the city council shall appoint the same without nomination by said companies.

Chief engineer and assistants.

Other officers of department.

SEC. 7. The city council shall have power to establish a paid fire department and the officers and members thereof shall receive such compensation as said council may prescribe. The council shall have power to make such rules and regulations in regard to such paid departments as they may deem necessary and proper, including the power to appoint officers for such paid department without nomination from the firemen.

Council may establish paid fire department.

SEC. 8. The officers, firemen and employés of any fire department of said city shall be exempt from serving on juries during their term of service.

Members exempt from serving on juries.

Fire limits.

SEC. 9. The city council may prescribe by ordinance, from time to time, limits or districts within said city within which wooden buildings or structures shall not be erected, placed, repaired or enlarged; and to direct the manner of constructing buildings within such limits or districts, with respect to protection against fire, and the material of which the outer walls and roofs shall be constructed.

CHAPTER XIX.

BOARD OF HEALTH.

Board of health, its powers and duties.

SECTION 1. The mayor and council, together with the health officer of said city, shall be and constitute the board of health of said city; and such board shall have such powers and perform such duties as are conferred upon and required of township boards of health by the general statutes of the State in regard to public health, now in force and which may be hereafter enacted.

Erection and regulation of city hospital.

SEC. 2. When the city council may deem it for the public safety, grounds and buildings for a city hospital may be purchased, erected and maintained within or beyond the corporate limits of the city; and in such case the city council shall have authority to enact or enforce, within or beyond the corporate limits of the city, all such ordinances and police regulations as may be necessary for the care and protection thereof; and for the management and control of the inmates and persons employed in and about such hospital; and said city council shall have power to enact such ordinances, rules and regulations in regard to the public health of said city as are authorized by the general laws of the State, and such others as they may deem necessary for the proper care and protection of the inhabitants of said city.

CHAPTER XX.

SUPPORT OF THE POOR.

Superintendent of poor to have charge of indigent poor.

Powers and duties.

Deputy may be appointed.

SECTION 1. The superintendent of the poor shall have charge of all indigent poor persons belonging to the city and shall provide for their support and maintenance as the city council may direct. He shall possess such powers and authority as are conferred upon the superintendents of the poor and supervisors of townships by the laws of this State in relation to the care and support of the poor, and as may be provided by the ordinances of the city. The superintendent of the poor may, subject to the approval of the council, appoint a deputy, who, in case of the inability, disqualification, absence

from the city, or of vacancy in his office, shall perform the duties of superintendent of the poor, and shall at all times perform such duties as naturally pertain to such office, and as may be prescribed by resolution of the city council or by ordinance of the city. Each of said officers shall have such compensation as the council may fix. All expenditures of money, and all accounts made by the superintendent of the poor, shall be duly certified to the city clerk, as often and in such manner as the council may require.

Duties.

Compensation.

Expenditures to be certified to by city clerk.

SEC. 2. When any poor person or persons shall apply for relief to the superintendent of the poor, the said superintendent of the poor shall make immediate personal inquiry into the state and circumstances of the applicant, and if it shall appear to the superintendent that the person so applying is in such indigent circumstances as to require permanent relief and support, and can be safely removed, such superintendent shall, by written order, directed to the sheriff or any constable of the city, cause such poor person to be removed to the county poor-house, to be received and provided for as his necessities may require, and as provided by the general laws of the State; but if it shall appear to such superintendent that any such poor person so applying for relief, requires but temporary or partial support, or is so sick, lame or otherwise disabled that such person cannot be safely or conveniently removed to the poor-house, then the superintendent may cause provisions to be made, under his own direction, and as provided by the ordinances or resolutions of the council, for the temporary or partial relief and support of such poor person.

When application for relief is made, duties of superintendent of the poor.

CHAPTER XXI.

FINANCE AND TAXATION.

SECTION 1. The city council shall have power to raise annually, by taxation upon the real and personal property in said city, taxable under the constitution and laws of the State, such sums of money, not exceeding in any one year one and seventy-five one-hundredths (1.75) per cent. of the assessed value of such property, as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers by this act granted.

Power of council to raise money by tax.

SEC. 2. The fiscal year of said city shall commence on the first day in April in each year, unless otherwise provided by ordinance or resolution.

Fiscal year.

SEC. 3. The revenues raised by general tax upon the taxable property in the city, or by loan to be repaid by such tax, shall be divided into the following general funds:

Division into funds.

General fund.	<i>First, General Fund</i> —To defray the contingent and other expenses of the city, for the payment of which from some other fund, no provision is made;
Fire and water fund.	<i>Second, Fire and Water Fund</i> —To defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to construct and maintain the fire department and water works of the city;
Street and bridge fund.	<i>Third, Street and Bridge Fund</i> —To defray the expenses of opening, repairing, widening, extending and altering streets, alleys and public grounds, building and repairing bridges, for paving, curbing, macadamizing and graveling public streets, highways, avenues and alleys and intersections of public streets, and alleys, and repairing the same; for cleaning public streets, alleys and grounds and caring for the same, and for the construction and repair of cross-walks;
General sewer fund.	<i>Fourth, General Sewer Fund</i> —To defray the expenses of sewers, ditches and drainage and the improvement of water courses;
Poor fund.	<i>Fifth, Poor Fund</i> —To defray the expenses of caring for the poor of the city;
Special assessment fund.	<i>Sixth, Special Assessment Fund</i> —Any money raised by special assessment, levied in any special assessment district or locality to defray the expenses of any particular public improvement, shall constitute a special fund for the purpose for which it was raised;
Other general funds.	<i>Seventh, Such other general funds as the city council may from time to time constitute.</i>
Transfer of money from one fund to another.	SEC. 4. No moneys shall be transferred from one fund to another except upon the vote of two-thirds of all the members of the city council.
Estimates of amounts to be expended.	SEC. 5. It shall be the duty of the city council to cause estimates to be made on or before the adoption of the general appropriation bill in each year, of all the expenditures which will be required to be made from the several general funds of the city during the current year for the payment of debts, making public improvements and repairs of all kinds, for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds of the city during the current year, and may estimate and determine the amount required to be paid from any special or district fund the council may create.
Council to determine part of special assessment to be assessed in next general tax roll.	SEC. 6. Said city council may also at the same time determine the amount of or part of any special assessment which they require to be levied, assessed or re-assessed, in the next general tax rolls of the city, upon any parcel or parcels of land, or against any particular person or persons.
Annual appropriation bill.	SEC. 7. It shall be the duty of said city council to pass or adopt a resolution on or before the first day of May in each

year, to be termed the annual or general appropriation bill, in which they shall make provisions for and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the current year, payable from the several general funds and from any special or district fund estimated and determined upon as provided in section five of this chapter, and order the same or so much of said amounts as may be necessary, to be raised by tax in the next general tax levy, or by loan, or both, and to be paid into the several general funds and any special or district funds of the city. The said city council shall specify in such resolution the object and purposes for which such appropriations are made, and the amount appropriated for each object and purpose, and to each of the several funds. Said council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment or other sum which they require to be levied or re-assessed with the general tax as mentioned in section six of this chapter, and the dispositions to be made of such moneys; and may also designate in said bill any local improvements which they deem advisable to make during the current year to be paid for in part or in whole by special assessment, and the estimated cost thereof; and may by resolution levy the aggregate of taxes mentioned in such appropriation bill upon the taxable property in said city liable for such tax or assessment.

CHAPTER XXII.

ASSESSMENT AND COLLECTION OF TAXES.

SECTION 1. The city assessor shall in each year, on or before the date fixed by the State tax law, or at such time as the city council may by resolution fix, assess the property in such city liable to taxation under the general tax laws of this State, now or hereafter in force, and he shall for the purpose of making such assessment, have all the powers and perform all the duties of supervisors of townships in this State. He shall divide the assessment roll into separate parts, one for each ward in the city, assessing all the real estate in the ward in which the same, or any part thereof, may be situated. The personal property found in any ward may be assessed therein, whether the owner thereof resides in such ward or elsewhere. If there shall be any doubt as to the ward in which any person shall be assessed for personal property belonging to such person, the board of review hereinafter mentioned, may specify the ward in which the assessment shall be made, and any assessment so made shall be conclusive as to the liability of such person to be assessed in such ward for such property.

City assessor
to make annual
assessment.

One part of as-
sessment roll
for each ward.

Board of review
to decide when
personal prop-
erty to be as-
sessed.

City assessor to make index to assessment roll.

Roll to be delivered to board of review.

Board of review, of whom to consist.

Meeting, when and where held.

Length of session.

Duties of board of review. Powers.

Further powers and duties.

Aggregate valuation of all property to be entered upon records.

The city assessor shall prepare and annex to such assessment roll a complete index showing, in alphabetical order, the names of all persons assessed therein, with reference to the page or pages in the roll where the assessment may be found, and such city assessor shall have and exercise the same powers and duties relating to the making of the assessment roll as are, or may be, given to supervisors of townships by the general tax laws of the State, and he shall be governed by such laws, except as herein otherwise provided. After such assessment roll shall have been completed, the city assessor shall, on the third Monday in April, in each year, or at such other time as the city council may, by resolution direct, deliver the same to the board of review of said city.

SEC. 2. The board of review of said city shall consist of the city assessor and the alderman from each ward, whose term of office soonest expires. In case of the inability, for any reason, of any such alderman to act, then the other alderman from the same ward shall act in his place. Such board of review shall meet at the city council room, or at such other place as may be designated by the city council, on the third Monday in April in each year, or at such other time as the city council may, by resolution fix, and continue in session from day to day, at least six hours each day, until the assessment roll shall have been fully and carefully reviewed, corrected and approved, which shall be on or before the second Monday in May in each year; such board of review shall have power, and it shall be its duty, to examine and correct any assessment or valuation, and to place upon the assessment roll in the proper ward, any taxable property, real or personal, not already assessed, which may be held or owned by any person or persons, and to strike from such roll any property, real or personal, wrongfully thereon. It shall also make such alteration in the names of persons and in the description of property as may be necessary to render the same conformable to this act and the requirements of the law of the State.

SEC. 3. In addition to the powers above conferred, said board of review shall also examine and ascertain whether the relative valuation of the taxable property in the respective wards, has been equally, fairly and uniformly estimated. If on such examination, a majority of said board shall deem such valuation to be relatively unfair and unequal, it shall equalize the same by adding to or deducting from the taxable property in any ward or wards such an amount as in the judgment of said board will produce relatively an equal and uniform valuation of the taxable property of the city, and the amount added to or deducted from any ward shall be entered upon the record of the proceedings of said board. It shall also cause to be entered upon their records, the aggregate valuation of all the taxable property of each ward separately, as equalized by it. Such equalization by said board shall be confined to city and

school taxes as distinguished from State and county taxes. State and county taxes shall be equalized by the county board of supervisors the same as the rolls of the different townships in the county. Said board shall also apportion the various city, school and other taxes, except State and county taxes, to the different wards, and for the purpose of such apportionment said board shall take official notice of the general appropriation bill passed by the city council and of the amount of school taxes, certified by the district board of education of school district number one of the city and township of Kalamazoo to the city assessor.

SEC. 4. Any person considering himself aggrieved by reason of any assessment may complain thereof, either verbally or in writing, before such board, and on sufficient cause being shown by the affidavit of such person, or upon oral proof, or other evidence to the satisfaction of such board, it shall review the assessment complained of, and may alter or correct the same as to the person charged thereby the property described therein and the estimated value thereof, and may increase or diminish any assessment as it may see fit. The concurrence of a majority of the board shall be sufficient to decide any question that may come before such board.

Any person
aggrieved may
appear before
board.

Majority can
decide all
questions.

SEC. 5. The board shall elect one of its members as president and the city clerk shall be clerk thereof. It shall be the duty of such clerk to keep a record of all the proceedings of such board in a book provided for that purpose, to make regular entries of all resolutions and decisions of the board on all questions, to record the vote of each member of said board on any question submitted to the board if required by any member present, and to file and preserve all petitions, affidavits and other written documents presented to the board. The board may examine on oath any person touching the matter of his or her assessment, and the chairman or any member of such board may administer such oaths. No assessment shall be [changed] charged in any way except by a motion or resolution regularly put and adopted by a majority of the members of said board, which motion or resolution shall state the amount at which such assessment is fixed as reviewed by said board. Each day's proceedings of the board shall be read, approved by the board and signed by the chairman thereof, and the decision of the board shall be final.

Officers.

Duty of clerk.

Chairman may
administer
oaths.

Decision of
board to be
final.

SEC. 6. The clerk of the city shall give notice of the time and place when and where said board of review will meet, and the length of time the same will remain in session for the review and correction of such assessment roll, by publication thereof in at least one daily newspaper of the city, for at least six successive issues immediately preceding the date of such meeting.

Clerk to give
notice of time
of meeting.

SEC. 7. On or before the first day of the meeting of the board of review, the supervisor of the township of Kalamazoo shall certify to the city assessor the valuation of the taxable

Supervisor to
certify certain
valuations to
assessor.

property of school district number one of the city and township of Kalamazoo, which lies outside of the city limits and within the township of Kalamazoo. Said board of review shall, at the time of the apportionment of the other city taxes, also apportion the amount of school taxes to be raised on the valuation so certified by said supervisor, and which apportionment it shall forthwith certify to the township clerk of said township. The amount of such school tax so apportioned to said township, shall be levied upon the property taxable therefor, and collected as other township taxes, and when collected, they shall be paid over to the officer entitled to receive the same.

Board to add their certificate to roll when completed.

Assessment roll to be confirmed by council.

Copy of assessment roll to be known as city tax roll.

When roll to be completed.

Roll to be delivered to city treasurer.

Warrant to be annexed to roll commanding treasurer to collect taxes.

SEC. 8. When the board shall have completed their review and correction of such assessment roll, they shall add thereto their certificate of the fact, signed by at least a majority of said board, and the city assessor shall on or before the third Monday in May submit such assessment roll, so corrected and certified, to the city council, and the city council shall at the same, or at an adjourned session thereof, or at a session called for that purpose, proceed to fully and finally confirm such assessment roll, and thereupon cause it, with a record of their action thereon, to be returned to the city assessor, who shall thereupon make a copy of such assessment roll, to be known as the city tax roll, and proceed to ratably levy thereon in dollars and cents the amount of all taxes authorized to be assessed and collected in such city, to each person named or lot described upon such city tax roll, showing in separate columns the amount of street, sewer and other city taxes assessed to each person or to such lots for the year, and he shall also levy in the same roll upon lands, property and persons chargeable therewith all special assessments and sums reported to him, as in this charter provided, for assessment or re-assessment upon such roll, placing all such taxes in a column of special assessments, and when said roll has been completed, footed and balanced, which shall be on or before the last Monday in June, such assessor shall deliver such city tax roll to the city clerk, who shall make entry of the same, and of the totals of all taxes assessed thereon, on the books in his office, and such city clerk shall on or before the first Monday in July deposit such roll with the city treasurer, and take his receipt therefor and charge him therewith.

SEC. 9. Before delivering said tax roll to the city clerk, a warrant shall be issued and annexed to such tax roll, signed by the city assessor and under the corporate seal of the city, directed to the treasurer, commanding and authorizing him to collect from the persons named in said tax roll the tax or assessment therein set forth, due from such persons and unpaid on said roll on the first Monday of October next ensuing, together with interest at the rate of one per cent. per month, from and after the fifteenth day of the preceding

August, for the benefit of such city, together with a collection fee of three per cent., and for such purpose, if necessary, to levy upon and sell the personal property of any person or persons named in said roll refusing or neglecting to pay the same, wherever such personal property may be found within the limits of the county of Kalamazoo, which warrant shall be returnable on the first day of January next ensuing: *Provided*, That if at any time after August first and before the first day of October next ensuing, the city treasurer shall become apprehensive of the loss of any personal tax on said roll, if the collection thereof be delayed until said first Monday of October, he may apply to and receive from the city assessor, a special warrant authorizing and empowering him to proceed to the immediate collection of such tax by distress and sale of the property of the person against whom such tax is assessed. All moneys received by the treasurer as collection fees and interest shall be paid by him into the city treasury to the credit of the general fund.

Levy and sell personal property for taxes.

Proviso.

Collection fees to be credited to the general fund.

SEC. 10. Upon the receipt of the tax roll by the treasurer, as hereinbefore provided, the taxes and assessments thereon shall become and be due and payable, and the treasurer shall forthwith, upon receipt of the said tax roll, give notice, by publishing for three successive days in one or more newspapers printed and circulated in said city, that the general city tax roll has been deposited with him for collection, and that payment of the taxes and assessments therein specified may be made to him without addition to taxes paid before the fifteenth day of August then following, but that an addition of one per centum upon all unpaid taxes and assessments will be made thereto on that day, and a like addition of one per centum will be made for each month thereafter until the first day of January next following; and that the payment of all taxes and assessments remaining unpaid on the first Monday of October will be enforced by levy and sale of any personal property which may be found in the county of Kalamazoo, belonging to the person against whom such tax or assessment is assessed, which notice shall be a sufficient demand for the payment of all taxes upon said roll. Upon the receipt of any tax, the treasurer shall mark the same paid upon the roll, adding after the word "paid" the day and month when paid.

Taxes due when treasurer receives roll.

Notice to be given.

Certain per cent added if tax is not paid before a certain day.

SEC. 11. By virtue of the warrant by this act authorized to be issued to the city assessor, the city treasurer shall have power, and it shall be his duty, to diligently search for and levy upon the personal property of persons from whom such taxes and assessments may be due, wherever the same may be found within the limits of the county of Kalamazoo, and he shall have the same powers in respect to the seizure and sale of property and all other proceedings, to enforce the collection of the taxes and assessments upon his roll as are now,

Treasurer to have same power in collection of taxes as township treasurer.

or may at any time hereafter, be conferred upon township treasurers by the general laws of this State.

Tax or assessment to be a charge against person until paid.

SEC. 12. Every tax or assessment levied or imposed by the authority of the city council, or of this act, except where otherwise provided, shall constitute a charge against the person to whom assessed, from the date of delivery of the tax roll to the city treasurer, and from the date of the delivery thereof to the city treasurer, every such tax or assessment shall become and remain, until paid, a lien upon the goods and chattels, lands and tenements against which the same is assessed.

In case treasurer is unable to collect any of the taxes.

SEC. 13. If the treasurer shall be unable to collect any of the taxes or assessments upon his roll, he shall make return thereof to the city clerk of the city of Kalamazoo, and thereupon such further proceedings shall be taken as are provided by this act.

Assessor to keep the original assessment roll in his possession.

SEC. 14. It shall be the duty of the city assessor to keep the original assessment roll as confirmed in his office until the next succeeding October meeting of the board of supervisors of the county of Kalamazoo, and to present such assessment roll to such board of supervisors for the purpose of equalization.

Assessor to levy taxes upon all taxable property

SEC. 15. It shall be the duty of the city assessor to make a copy of such assessment roll as finally confirmed, upon which he shall at the time and in the manner provided by law for the levying of taxes in townships, ratably levy upon all the taxable property in such city therein assessed, the amount necessary to be raised in such city for State, county and school taxes, including the amount of school taxes certified by the district board of education of school district number one of the city and township of Kalamazoo. The levying of such taxes shall be in accordance with the provisions of law governing the levying of such taxes in townships, except as in this act otherwise provided. The city assessor shall also levy in the same roll upon lands, property and persons chargeable therewith all special assessments and sums reported to him as in this charter provided for assessment or re-assessment upon such roll. Such taxes shall be placed upon said roll in the proper columns as hereinbefore provided, and the amount of the several taxes so levied upon each valuation shall be carried into another column, the collection fee of five per cent on the tax entered in another column, and the aggregate of taxes and fees shall be carried into the last column of the roll.

Taxes levied the same as in townships

Collection fee of five per cent.

Warrant to be annexed to roll commanding treasurer to collect the taxes named therein.

SEC. 16. It shall thereupon be the duty of such city assessor to annex a warrant to said roll, stating the several amounts levied therein, to be paid into the city and county treasuries respectively, and shall command the city treasurer to collect from the several persons named in said roll the several sums named in the last column thereof opposite their

respective names, remitting upon all taxes paid before the tenth day of January next thereafter the percentage added for collection fees, and to pay over and account for all moneys collected and specified in the roll as in said warrant directed on or before the first day of March then next ensuing, and the warrant shall authorize the treasurer, in case any person shall neglect to pay his taxes to levy the same by distress and sale of the goods and chattels of such person.

In case person neglect or refuse to pay his taxes.

SEC. 17. The city assessor, upon completing such roll and after attaching such warrant thereto, shall deliver the same to the city clerk, who shall make entry of the same, and of the totals of all taxes assessed thereon on the books in his office, and such city clerk shall, on or before the first Monday in December, deliver such roll to the city treasurer, and take his receipt therefor and charge him therewith. The city treasurer shall give a bond to the county treasurer in the same manner as township treasurers are required to do.

Roll when completed to be given to clerk.

City clerk to deliver roll to city treasurer.

SEC. 18. The city treasurer shall forthwith, upon receipt of the said tax roll, give notice by publishing for three successive days in one or more newspapers printed and circulated in such city, that such tax roll has been delivered to him, and that the taxes therein levied can be paid to him at his office at any time before the tenth day of January then next ensuing without any charge for collection, and that five per cent collection fees will be charged and collected upon all taxes remaining unpaid on said tenth day of January. It shall be the duty of the treasurer to remit the collection fees upon all taxes paid to him before the tenth day of January, but in all other cases he shall collect both the taxes and percentage for collection added in the roll. All such percentage for fees collected by him shall be paid into the city treasury to the credit of the general fund.

Notice to be given by treasurer.

Collection fee to be charged after certain date.

SEC. 19. For the collection of all taxes remaining unpaid on the tenth day of January, the city treasurer shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships, and shall for that purpose have all the powers and authority conferred by law upon township treasurers for such purposes, and shall when necessary enforce the payment of the taxes against any person by distress and sale of his goods and chattels, if any such can be found anywhere within the county, and it shall not be necessary for such treasurer before levying such tax by distress, to give any further or other notice than the notice by publication hereinbefore provided for.

City treasurer to have all the powers of township treasurer for the collection of taxes.

SEC. 20. The county treasurer may issue new warrants to the city treasurer for the collection of taxes in the same manner, and in the same cases, and with the same effect, as such new warrants may be issued to township treasurers. The city treasurer may, and it shall be his duty to proceed

County treasurer may issue new warrants to city treasurer.

City treasurer may proceed by suit to collect unpaid taxes.

by suit, in the name of the city, for the collection of unpaid taxes in the same cases, and under like circumstances, in which township treasurers are authorized to proceed in that manner, and all the provisions of law applicable to suits and evidences therein brought by township treasurers in the name of their townships for such purposes shall apply to suits brought by the city treasurer as aforesaid.

Same provisions for collection of taxes as in townships.

SEC. 21. All provisions of law relative to the collection of taxes levied in townships shall apply to the collection of taxes levied and assessed by the city assessor in said city, except as herein otherwise provided. For the purpose of collecting taxes and returning property for the non-payment thereof, the city treasurer shall perform the same duties and have the same powers as township treasurers, except as herein otherwise provided.

Treasurer to pay to county treasurer within one week.

SEC. 22. The city treasurer shall, within one week after the time specified and directed in the warrant annexed to said tax roll, pay to the county treasurer the sum required in said warrant to be so paid, either in delinquent taxes or in funds then receivable by law, and all lands upon which any unpaid tax shall be returned shall be sold therefor, the same as lands returned for delinquent taxes by township treasurers.

Provisions concerning delinquent taxes in townships to apply to city.

SEC. 23. All provisions of law respecting delinquent taxes levied in townships, shall apply to all taxes levied in said city, and be returned as delinquent to the county treasurer, and all provisions of law for the sale of lands for the payment of taxes levied for State, county and township purposes and returned delinquent shall apply to the return and sale of property for the non-payment of delinquent taxes levied in said city, except as herein otherwise provided.

Lands may be disposed of for delinquent taxes.

SEC. 24. All lands which may have been, or may hereafter be returned by the city treasurer as delinquent for taxes and assessments, and upon which any taxes or assessments are now or shall hereafter remain unpaid for the period of one year or more, shall be subject to disposition, sale and redemption for the enforcement and collection thereof in manner as herein provided. In the sale and disposition of such lands, the city of Kalamazoo shall be deemed to have a valid lien upon such lands with all the rights to enforce the same as a preferred or as a first claim upon such lands, and the right to enforce such lien shall be held and construed by all the courts of this State as the *prima facie* rights of the city of Kalamazoo, and shall not be set aside or annulled except in the manner and for the causes herein specified.

City to have first claim on lands.

City clerk to petition the circuit court.

SEC. 25. As soon as practicable after the first day of January, [A. D.] in the year of our Lord, eighteen hundred and ninety-eight, and as soon as practicable after the first day of January in each year thereafter, the city clerk shall prepare and file in the office of the county clerk for the county of Kalamazoo, a petition addressed to the circuit court for said county

in chancery, stating therein by apt reference to lists or schedules annexed thereto a description of all lands in the city of Kalamazoo upon which taxes and assessments have remained unpaid for more than one year prior to the first day of January, [A. D.] in the year of our Lord, eighteen hundred and ninety-eight, or the first day of the year in which the petition is filed, and the total amount of such taxes and assessments, with interest computed thereon to the time fixed for the sale thereof, and a collection fee of four per centum, extended separately against each parcel of land, and he shall include with and add to such total amount against each parcel seventy cents for the costs of advertising and other expenses of sale. Such petition shall pray a decree in favor of the city of Kalamazoo against said lands for the payment of the several amounts so specified therein, and in default thereof that such lands be sold, it shall be signed by the city clerk and need not be otherwise verified, and shall be deemed equivalent to a bill in chancery to enforce the lien for such taxes and assessments, interest and charges, averring their validity, that they have not been paid and praying for a sale to pay such lien. The petition shall be in a substantial record book with the lists of lands and taxes and assessments annexed following the same therein; such record shall be ruled with appropriate columns, one containing a description of the land with columns for the total amount of taxes, and assessments, interest and charges claimed due on each parcel of land opposite thereto. Also with blank columns, one with heading "parts of descriptions paid before sale or withheld," another "by whom paid," another "amount paid before sale," another "amount decreed against lands," another "special orders," another "interest in each parcel sold," another "names of purchaser," another "address of purchaser," another "number of certificate," another "remarks." The said clerk may add such other columns as he may find necessary. The petition shall be construed to include the lists annexed thereto; said record shall be called "tax record;" parts of descriptions of lands upon which taxes and assessments are paid before sale, or which are withheld from sale, the amount paid on taxes or assessments before sale, the amount of taxes and assessments, interests and charges decreed against lands, except orders made by court relating to any parcel of land or any tax or interest in each parcel of land sold, the name of each purchaser, and his address and the number of certificate of sale shall be entered in said record under their appropriate heading opposite to the descriptions of lands affected thereby.

Such petition shall pray a decree against such lands.

Petition to be signed by city clerk.

Petition to be in record book.

What record to contain.

Tax record.

SEC. 26. It shall be the duty of the county clerk on the filing of said petition to at once present the same to the circuit judge for said county of Kalamazoo, and it shall be the duty of said circuit judge to make an order in the form herein described, which order when so made and signed by

County clerk to at once present petition to circuit judge.

the circuit judge shall be countersigned by the county clerk as register in chancery, and recorded by him in a book to be supplied by the city of Kalamazoo for that purpose, and kept by him in his office; and thereupon it shall be the duty of the said county clerk to immediately make a true copy of such order and transmit the same to the city clerk at the city of Kalamazoo; said order shall be substantially in the following form:

Form of order
of circuit judge.

STATE OF MICHIGAN.—THE CIRCUIT COURT FOR THE
COUNTY OF KALAMAZOO, IN CHANCERY.

In the matter of the petition of the city of Kalamazoo for the sale of certain lands for taxes assessed thereon.

Lands to be
sold for taxes.

On reading and filing the petition of the city clerk of the city of Kalamazoo, in the State of Michigan, praying for a decree in favor of the city of Kalamazoo against each parcel of land therein described for the amounts therein specified claimed to be due for taxes and assessments, interest and charges on each such parcel of land and that such lands be sold for the amounts so claimed by the city of Kalamazoo.

Hearing to be
held.

It is ordered that said petition be brought on for hearing and decree at the term of this court to be held at the city of Kalamazoo, in the county of Kalamazoo, State of Michigan, on the day of A. D. 18.., at the opening of court on that day, and that all persons interested in such lands or any part thereof desiring to contest the lien claimed thereon by the city of Kalamazoo for such taxes and assessments, interest and charges on any part thereof, shall appear in said court and file with the register in chancery, their objections thereto on or before the first day of the term of this court above mentioned, and that in default thereof the same will be taken as confessed and a decree will be taken and entered as prayed for in said petition.

Those desiring
to contest such
lien to appear
at hearing

Lands to be
sold for taxes
and charges.

And it is further ordered that in pursuance of said decree, the lands described in said petition for which a decree of sale shall be made will be sold for the several taxes and assessments, interest and charges thereon as determined by such decree on the Monday in thereafter, or on the day or days subsequent thereto as may be necessary to complete the sale of said list and of each and every parcel thereof at the office of the city treasurer of the city of Kalamazoo, or at such convenient place as shall be selected by him at the city of Kalamazoo for that purpose.

Witness, the Honorable circuit judge, and the seal of said circuit court of Kalamazoo county, this day of, A. D. 18..

[Signed]

Countersigned:

.....,
Circuit Judge.

.....,
Register.

SEC. 27. The newspaper or newspapers in which such order and petition are to be published shall be designated by the city council of the city of Kalamazoo by resolution on or before the first day of March in each and every year, and not afterwards unless the publisher of the paper or papers so designated shall fail to accept such designation within fifteen days after the same is made and shall refuse or neglect to publish or print such order and petition, or unless from any other cause, such publication shall become impracticable; in such case, the city clerk shall designate some other paper for that purpose before the time limited for commencing such publication.

Newspaper in which order to be published.

SEC. 28. The city clerk shall cause a copy of said order and a copy of said petition to be published at least once in each week for four successive weeks next prior to the time fixed for the hearing thereof in some newspaper or newspapers published and circulated in the city of Kalamazoo, to be selected in manner as is provided in section twenty-seven of this chapter. Said order and petition shall both be published in the same paper, the order immediately preceding the petition: *Provided*, In such petition it shall be sufficient to print against each parcel the "amount of taxes and assessments," "interest," "charges," "total" due on each; the cost of such publication shall be paid by the city of Kalamazoo in the same manner as other claims against the city are paid. The proprietor of such paper or papers shall furnish the city clerk and city treasurer each with two copies of each issue containing such publication, and it shall be the duty of the said city clerk and city treasurer to carefully examine the notices published and see that they are correct. Any person familiar with the facts may make an affidavit as to the publication required. The publication of the order and petition aforesaid shall be equivalent to a personal service of notice on all persons who are interested in the lands specified in such petition, of the filing thereof, of all proceedings thereon and of the sale of the lands under the decree and shall give the court jurisdiction to hear such petition, determine all questions arising thereon, and to decree a sale of such lands for the payment of all taxes and assessments, interest and charges thereon. The circuit court in chancery shall have jurisdiction to hear, try and determine the matters alleged in such a petition, even though the amount involved therein be less than one hundred dollars. It shall be the duty of the city attorney to prosecute all such proceedings on the part of the city of Kalamazoo. Proof of the publication of the order and petition herein required shall be filed in the office of the county clerk before any final order or decree is made. Any person against whom a decree has not been taken, desiring to contest the validity of any taxes or assessments, shall file in writing his objections thereto with the clerk of the county of Kalamazoo

How and when petition and order to be published.

Notices examined as to correctness.

Publication of order and petition to be equal to personal service.

Circuit court to have jurisdiction.

City attorney to prosecute.

Filing objections to taxes.

Proceedings as to.

The court shall
examine ob-
jections.

Evidence to be
taken in open
court.
Proceedings,
etc., during
hearing.

Final decree
in favor of city.

on or before the day fixed in said notice for the hearing of such petition, and shall not be allowed to make any objections not therein specified. If, within the first five days after the day fixed in said notice for the hearing of such petition, it shall be made to appear to the court that any person has been prevented from filing any objections to such tax or assessment, without fault or negligence on his part, such further time may be granted for that purpose as may seem proper, not exceeding five days. The court shall examine, consider and determine the matters therein stated and objections made in a summary manner without other pleadings and make final decree thereon as the right of the case may be. The taxes and assessments specified in the petition shall be presumed legal and a decree be made therefor unless the contrary is proved. Evidence shall be taken in open court. All oral testimony shall, at the request of any person interested, be written down and filed. The court may make such orders from time to time as may be necessary to facilitate the proceedings and shall decide all questions as to the admissibility of evidence and the decision so made shall be final and not subject to review or appeal. If the lands of two or more persons have been assessed together, the court may, if practicable, separate the same and apportion to each parcel its just proportion of the taxes, assessments, interest and charges. If any taxes or assessments shall be found illegal, they shall be rejected. If a part of any tax or assessment shall be found illegal, such part shall be set aside and the remaining tax or assessment shall be decreed valid. The total amount of tax, assessment, interest and charges as fixed by the court shall be entered by the register of the court opposite each parcel of land in the column of said record under the heading "amount decreed against lands." If the court shall make any order setting aside the taxes or assessments on any parcel of land, or any part thereof, or any special order relating to any particular piece of land, or taxes and assessments thereon, a brief entry of such order shall be made upon said record opposite such land or tax or assessment, which shall be signed by the judge of the court either by his full name or initials, and such entry shall have the same effect as if made and entered as a part of the final decree. At least ten days prior to the time fixed for the sale of such lands, the court shall make a final decree in favor of the city of Kalamazoo for such taxes, assessments, interest and charges as shall be valid, and determine the total amount thereof chargeable against each parcel of land, and shall order and decree that such several parcels of land, or so much of each as may be necessary to satisfy the amount fixed by such decree, shall severally be sold as the law directs. Such order shall be considered as a several decree in favor of the city of Kalamazoo against each parcel of land for each tax or assessment included therein. The court may decree

such costs in favor of or against a person contesting any tax or assessment as may be equitable, if the tax or assessment, or any part thereof which remains unpaid, be adjudged valid or invalid.

SEC. 29. Such final decree shall be entered in the chancery record for recording decrees of such court, have the usual caption for decrees, and shall be substantially in the following form:

Final decree,
where entered,
form of.

"In the matter of the petition of the city of Kalamazoo for the sale of certain lands for taxes and assessments assessed thereon. The said petition and the matters therein stated and the objections filed to such taxes and assessments therein claimed (if any such objections are filed) came on to be heard and proof of the due publication of notice of hearing of said petition having been made and filed, and, after hearing all parties interested therein, it is ordered, adjudged and decreed that the amount of taxes, assessments, interest, collection fee and charges set down in the column headed "amount decreed against lands" in the tax record of which such petition forms a part, are valid, and decree is made in favor of the city of Kalamazoo therefor against each parcel of land for the amounts set down in said column opposite to such parcel.

It is further ordered, adjudged and decreed that said several parcels of land, or such interest therein as may be necessary to satisfy the amount herein decreed against the same, shall be severally sold as the law directs.

Lands to be
sold.

It is further ordered, adjudged and decreed that the several special orders made by this court and entered on said tax record are made a part hereof with the same effect as if entered herein."

If costs are adjudged in favor of or against any person contesting a tax, the decree therefor shall be in proper form and execution awarded. The decree shall be signed by the judge and countersigned by the register. Immediately after the entry of such decree, the county clerk shall make a certified copy thereof and annex the same to the tax record.

Decree to be
signed by
judge and
register.

He shall thereupon deliver such tax record to the city treasurer of the city of Kalamazoo in whose hands the same shall remain except as needed in the office of the county clerk. If from any cause the hearing on said petition is not had on the day fixed in the notice therefor, the same shall stand continued from day to day during the term without the entry of any order of continuance until disposed of, and if it shall for any reason be found impracticable to hear and determine the objections to all of the taxes and assessments specified in said petition within the time herein fixed for that purpose, then and in that case the court shall, within the time herein named, make a final decree as to all taxes and assessments to which no objections have been filed and also those to which objections have been filed, which the court has then heard

Shall be delivered to city
treasurer.

In case hearing
is not had on
day fixed.

When new
petition may
be filed.

May appeal to
supreme court.

In case de-
cision be
against
city.

Proceedings if
appeal be
taken.

and passed upon. Such decree shall be signed and recorded as hereinbefore provided. The court shall proceed with the consideration of the remaining taxes and assessments embraced in said petition and objections thereto, and as soon as practicable dispose of the same by one or more decrees and in such form as the court may determine, which shall be entered in the chancery record of decrees of such court and the same shall describe the lands and specify the total amount of taxes and assessments, interest and charges on each parcel of land thereof; the county clerk shall immediately thereafter deliver to the city treasurer of said city of Kalamazoo a certified copy of such decree to be kept and used as hereinbefore provided. Such copy of decree shall be annexed to the tax record and shall thereby become a part thereof. If from any cause no decree shall be made on such petition as to the tax or assessment therein named, or any part thereof, the city clerk shall, as soon as practicable, file a new petition for decree and sale, and proceedings thereon shall be the same and a decree and sale made as herein provided. In case a decree is given in favor of the validity of any disputed tax or assessment, and the person contesting its validity desires to appeal to the supreme court, he shall be allowed to do so on paying the amount of the decree to the city treasurer within ten days after the date of such decree, who shall retain the same until the decision of the supreme court, and pay the same to the party interested, if such tax or assessment is held invalid; if held valid, then such money shall be credited to the proper fund. By such payment the land in question shall be discharged from the lien of the tax or assessment. In case the decision is against the validity of any tax or assessment, the city of Kalamazoo shall have the right to direct an appeal therefrom to the Supreme Court in its behalf, but there shall be no sale for the tax or assessment held invalid until such decision has been reversed or modified by the supreme court. The proceedings where the validity of any tax or assessment is in dispute, shall, where no other provision is made herein, follow the ordinary chancery practice and the court may allow amendments as in ordinary cases. Notice shall be given of all appeals to the supreme court, and such appeals shall be claimed, entered and bond for costs given, within twenty days after the making and entering of the decree. When the appeal is taken in behalf of the city of Kalamazoo, no bond shall be required. The judge shall, at the request of either party and on due notice, settle in proper form a case containing so much of the record and proceedings as may be necessary to the due understanding thereof by the supreme court, and if appeal shall be taken, such case shall be transmitted to such court. An appeal as to the tax or assessment on any parcel shall not delay or [effect] affect the proceedings for the sale of any land on which there has been no appeal.

SEC. 30. All lands bid off for the city of Kalamazoo shall continue liable to be taxed and assessed in the same manner as if not held as belonging to said city, and all such taxes and assessments shall be a charge and lien upon said lands as in case of other tax lands, except as hereinafter provided.

Lands bid off
for the city
shall be taxed.

SEC. 31. Whenever it shall be satisfactorily shown to the court that any lands included in such petition as delinquent for taxes and assessments shall belong to infants, minor heirs, idiots or insane persons, without guardians or without any other means of support, the court is, in his discretion, authorized to hold such lands from sale until a settlement of such person can be made, and a guardian chosen or appointed to protect the rights and interest of such person: *Provided*, Such withholding shall not act to prejudice the lien of the city of Kalamazoo for such taxes or assessments or the right to include the same in any subsequent petition for sale as in this act provided. In case of the sale of lands belonging to any infant, idiots, minor heirs, insane or incompetent persons, if it shall appear to any court that it is necessary to protect the rights of such incompetent persons, to order any sale canceled or deferred, it may so order, and in such case all proceedings may be stopped, sale canceled or further action stayed until the proper proceedings can be had to protect the rights and property of such incompetent person or persons.

In case of lands
belonging to
infants guard-
ian to be ap-
pointed.

Proviso.

SEC. 32. On the first Monday of October, the city treasurer shall commence the sale of the lands mentioned in the decree upon which the amounts charged shall not have been paid, and shall continue the same from day to day, Sundays and other legal holidays excepted, until so much of each parcel shall be sold as shall be sufficient to pay such amounts. Each parcel described in the decree shall be separately exposed to sale for the total taxes and assessments, interest and charges, and the sale shall be made to the person offering to buy for any given tax or assessment, and paying the full amount charged against such parcel, and accepting a conveyance of the smallest undivided fee simple interest therein. No greater interest in any parcel shall be sold than is sufficient to pay the amount of the tax or assessment on which the same is sold. If no person will buy for any of said several taxes and assessments and pay the balance thereof and take a conveyance of less than the entire thereof, then the whole parcel shall be offered and sold. The sale shall be at the office of the city treasurer or at such convenient place as shall be selected by the city treasurer, and shall be subject to the taxes and assessments assessed subsequent to taxes and assessments included in the decree and for the year for which the sale is made. The city treasurer may, in his discretion, require immediate payment of any person to whom any parcel of such land may be struck off, and in all cases where payment is not made in twenty-four hours after sale, he shall declare the

Lands to be
sold, when.

How greatest
interest to be
sold.

When sale to
be held.

Payment re-
quired when
land bid off.

bid canceled and sell the land again; and any person to whom any parcel of land shall be so struck off, neglecting for twenty-four hours after the close of such sale to pay to the city treasurer the amount of such bid, shall forfeit to the city of Kalamazoo five times the amount of such bid and costs of suit therefor, which amount may be recovered by the city of Kalamazoo in an action of debt, in any court of competent jurisdiction, and it shall be the duty of the city treasurer and city attorney to prosecute for all such delinquencies and penalties without unnecessary delay. Any subsequent bid of such person made at the sale may be disregarded by the treasurer.

In case parcel cannot be sold. If any parcel of land cannot be sold for taxes, assessments, interest and charges, such parcel shall be passed over for the time being, and shall, on the succeeding day, or before the close of the sale, be re-offered; and if, on such second offer, or during such sale, the same cannot be sold for the amount aforesaid, the city treasurer shall bid off the same in the name of the city of Kalamazoo, and in such case the taxes and assessments assessed on the land so bid off for the city of Kalamazoo, and the interest and charges thereon, shall remain a lien on such lands, and any person or persons who shall afterwards purchase such lands of the city of Kalamazoo, shall be liable for and shall pay all taxes and assessments then remaining unpaid and assessed against such lands, together with the interest thereon at the rate of seven per cent. per annum and the charges, collection fee and cost of advertising provided herein, from the time said lands were returned delinquent for taxes and assessments until the time of such sale. The city treasurer shall enter in the proper columns of the tax record the interest in lands sold, the name and postoffice address of each purchaser opposite each parcel of land sold, and the word "city" opposite each parcel bid off in the name of the city. Certificates shall be given to each purchaser of the lands and interests bid off by him, showing the year and the tax or assessment for which he has purchased, and also the amount thereof, and of all other taxes and assessments paid by him at the time of such purchase, stating that he will be entitled to a deed after the period of redemption provided herein, and that if the sale is not confirmed the money will be returned. As soon as possible after the conclusion of any sale, and within twenty days after the day named in the notice for the commencement thereof, the city treasurer shall make and file with the clerk of the court a report of such sale, therein referring to such tax record for the particulars thereof. All sales shall stand confirmed, subject to the right of redemption herein provided for, unless objections thereto are filed within eight days after the time limited for filing such report, without the entry of an order or further notice. The practice with reference to setting aside such sale shall be the same, so far as applicable, as in a sale

Name of purchaser to be entered in proper column.

Report of sale to be filed.

Sale to be confirmed.

in equity on the foreclosure of mortgages: *Provided*, No sale Proviso. shall be set aside for inadequacy of price, except upon payment of amount bid upon such sale with interest and costs: *And provided further*, That no sale shall be set aside after confirmation, except in cases where the taxes and assessments were paid, or the property was exempt from taxation. In such cases the owner of such lands may move the court at any time within one year after he shall have notice of such sale, to set the same aside, and the court may so order upon such terms as may be just. All lands bid off in the name of the city of Kalamazoo shall continue liable to be taxed and assessed in the same manner as if they were not the property of the said city, except as herein provided. If from any cause the lands or any parcel thereof decreed for sale by the city treasurer shall not be sold as advertised, it shall be the duty of the city treasurer to cause sale to be made at such other time as he may fix for that purpose, of which notice shall be published at least four weeks prior to such day, and such notice shall contain a description of the lands and the amount claimed thereon, as hereinbefore provided in the first instance. The sale and all proceedings thereon shall be the same as if made on the first day fixed therefor.

Land bid off by the city to be taxed.

SEC. 33. At the sale aforesaid, the city treasurer shall give to the purchasers, on the payment of the bids, a separate certificate in writing for each parcel, describing the lands purchased and the amount paid therefor, and such certificate shall be regularly numbered and entered in the book kept for that purpose, and designated as the tax record, the name of the person to whom the same was issued, the number, date and amount of each certificate. Such certificate shall be in substantially the following form:

Treasurer to give purchaser a certificate.

STATE OF MICHIGAN, }
City of Kalamazoo, } ss.

Form of certificate.

City Treasurer's Office, A. D. 18..

I,, city treasurer of the city of Kalamazoo, in said State, do hereby certify that I did, at public auction, pursuant to notice given as by law required, on this, A. D. 18.., sell to (of) (or to the city of Kalamazoo) the lands herein described, for the sum of dollars and cents, said sum being the amount due and unpaid for taxes and assessments, interest and charges on said lands for the year of our Lord one thousand eight hundred and, that the said, his heirs or assigns, or city assigns will, if said sale stands confirmed, be entitled to a deed of conveyance of said lands in one year from the day of next following, unless sooner redeemed from such sale according to

law. Said lands are described as follows, with the sum for which each tract was sold, set opposite each description, that is to say: (Here insert description, and separately the amount bid on each tract.)

....., City Treasurer.

When deed to
lands purchas-
ed to be given.

Such deed to
be absolute
title.

In case certifi-
cate be lost.

Penalty for
false state-
ment.

Sale not to be
annulled after
five years.

When sale is
set aside.

SEC. 34. On presentation of such certificate of sale to the city treasurer or his deputy after the expiration of the time provided by law for the redemption of land sold as aforesaid, the city treasurer or his deputy shall execute and deliver to the purchaser, his heirs or assigns, a deed of the land therein described, unless the sale thereof shall have been redeemed or annulled as by law provided, which deed shall be entitled to record in the office of the register of deeds of the proper county, in the same manner and with like effect as other deeds duly witnessed, acknowledged and certified. Such deeds shall convey an absolute title to the land sold, and be conclusive evidence of title, in fee, in the grantee, subject however, to all taxes and assessments assessed and levied on such lands subsequent to the taxes or assessments for which the same was bid off. The courts may, on application, put the purchaser in possession of the premises by writ of assistance. In the case of the loss of such certificate of sale, the purchaser or his legal representative or assignee, may file his affidavit of such loss, and that he was at the time of such loss the *bona fide* and legal holder thereof; and the city treasurer or his deputy shall thereupon execute, as aforesaid, a deed for the lands described in such certificate, if the same shall not have been redeemed, in the same manner as though it had been presented and surrendered; and if the same shall have been redeemed, on the presentation of such affidavit, the money shall be paid to such person in the same manner as though the certificate of sale had been surrendered. Any person who shall make an affidavit as above required, or concerning any other matter, which may be filed in the office of the city treasurer shall be liable to the penalties of perjury for any false statement made in such affidavit with intent to defraud, upon conviction thereof before a court having jurisdiction of the offense.

SEC. 35. No sale of any lands or deed made by the city treasurer under the provisions of this act shall be set aside or annulled by any court of this State after the purchaser, his heirs, or assigns, have been in actual and undisputed possession of such lands so sold or conveyed for a period of five years from the date of such purchase or deed. Whenever any sale made under this act is set aside by any court in a less time than five years, the court shall determine and decree the value of improvements made by the purchaser, if he has been in possession, and give judgment therefor, and issue execution to collect the same of the claimant before putting him in possession. If a sale made under this act is set aside

by any court, the city treasurer shall refund to the purchaser the amount paid at the time of the sale, out of the general fund of the city.

SEC. 36. Any person owning any of the lands sold as aforesaid, or any interest therein, may at any time within one year from and after such sale, redeem any parcel of such lands, or any part or interest in such lands, by showing to the satisfaction of the city treasurer that he owns only that part or interest in the same which he proposes to redeem, by paying to the city treasurer the amount bid at the sale of the parcel of land, or the portion thereof wished to be redeemed, and interest thereon at seven per cent from [the] date of such sale. Upon the payment of the redemption money and interest thereon to the city treasurer aforesaid, he shall issue a redemption certificate in duplicate in such form as may be prescribed by the city treasurer, both of which certificates shall be countersigned by the city clerk, who shall make an entry of the number of such certificate, the amount for which given, the name of the person paying the same; one of which certificates shall be delivered to the person making such redemption payment, and the other shall be filed in the office of the city treasurer. The city treasurer shall also make a minute of such redemption certificate in the tax record kept in his office, with the name of the payee, the date and the amount paid. Such certificate, the duplicate and the entry thereof by the clerk or city treasurer, shall be evidence of such redemption payment in the courts of this State.

Land may be redeemed in one year.

Redemption certificate to be given.

SEC. 37. Whenever any court of competent jurisdiction shall by decree annul any certificate executed by the city treasurer aforesaid, or any deed issued by the city treasurer, the clerk of such court shall, on the payment by any party interested, of fifty cents, deliver to such person a certified copy of such judgment, decree or order, which certified copy of such judgment, decree or order shall be a proper subject of record in the office of the register of deeds of the county in which the land is situated, and on recording the same, the register shall enter in the margin of the record of the tax deed affected by such decree or record, a brief statement of such judgment, decree or order, and shall also send a notice of such decree or order to the office of the city treasurer.

Certified copy of judgment.

SEC. 38. In any suit or proceeding to enforce or set aside any tax or assessment, such tax or assessment shall be held illegal for one of the following reasons:

Tax held illegal, when.

First, That no law authorizes such tax or assessment;

Second, That the person or persons appointed to decide whether a tax or assessment shall be raised under a given law, have acted without jurisdiction, or have not imposed the tax or assessment in question;

No law authorizing. Persons have no jurisdiction.

Third, That the person or property assessed was exempt from the taxation in question or was not legally assessed;

Exempt.

Tax has been
paid.
Fraudulent
actions.

Fourth, That the tax or assessment has been paid;

Fifth, That the supervisor, assessor or board of review in assessing a person or property for taxation, or in the apportionment of the tax or assessment to the person or property in question, acted fraudulently. If any such illegality, omission or fraud affects the amount of one tax or assessment only, the tax or assessment shall be sustained so far as the same is legal and just.

Purchaser may
claim title
under all
deeds.

SEC. 39. In the prosecution or defense of any action or proceeding by any person holding or claiming land under any deed or deeds of lands purchased for delinquent taxes or assessments, the party so claiming, under and by virtue of such purchase, may show his title to such land and premises, whether the same was derived under one or more purchases, and may give in evidence any and all deeds of conveyance or other evidence of such purchases as aforesaid, which he may have at any time received, and may claim title under any or all of them.

When lands bid
off to the city
to be offered
for sale.

SEC. 40. All lands heretofore or that may be hereafter bid off to the city of Kalamazoo for taxes or assessments, which have not been redeemed or otherwise disposed of, shall be offered for sale by the city treasurer at the regular annual tax sales provided to be held under the provisions of this act.

Notice to be
given of an-
nual tax sales.

SEC. 41. The city treasurer shall cause to be published for four weeks successively, which shall be construed to mean four publications once a week, next previous to the first Monday of October in the years provided by this act, a notice that the lands described in such statement will be offered for sale at public auction at the time and place designated for the regular tax sales. At the time and place designated in the notice, the city treasurer shall proceed to sell said lands last mentioned and continue the same from day to day, except Sundays, until the whole have been offered, and any person bidding on any of said lands, shall be subject to the requirements and provisions of this act.

Treasurer to
issue certificate
of sale.

SEC. 42. The city treasurer shall, on payment of the purchase money of such sale, issue a certificate of sale to the purchaser, in such form as is prescribed by section thirty-three of this chapter, so far as the same may be applicable, number the same and shall enter the name of the person to whom the same was issued, with the number, date and amount thereof, in a book kept in his office for that purpose.

After period of
redemption
deed to be
issued.

SEC. 43. After the period of redemption provided for in this act shall have expired, the city treasurer, on presentation and surrender of such certificate, shall issue to the purchaser, his heirs or assigns, a deed of conveyance, except when the same has been redeemed or has been bid off to the city for another tax or assessment, and in case of redemption, the amount of the redemption shall be paid to such person: *Provided*, That such deed shall have the same force and effect as is given by section thirty-four of this chapter.

Proviso.

SEC. 44. In case of the loss of such certificate of sale, the purchaser, or his legal representatives or assigns, may file his affidavit, duly verified, of such loss, and that he was at the time of such loss, the *bona fide* and legal holder and owner thereof. The city treasurer shall thereupon execute, as aforesaid, a deed for the land described in said certificate, if the same shall not have been redeemed, in the same manner as though it had been presented and surrendered. The city treasurer shall execute a second deed of lands conveyed as herein provided, in all cases in which he shall be satisfied, by sufficient proof, that the original deed and record thereof has been lost or destroyed, which said deed shall declare upon its face that it is a second deed, and shall recite the loss or destruction of the former deed and its date, if possible. Such deed shall inure to the benefit of the grantee in the first deed, his heirs or assigns, as the case may be, and shall have the same force and effect as said first deed. Before the execution of such deed, the party applying therefor shall pay to the city treasurer the sum of one dollar, which shall belong to the general fund of the city.

In case of loss of certificate of sale.

When second deed to be issued.

SEC. 45. Any person may purchase any land bid in by the city by paying therefor the amount for which the same was bid off to the city, with interest on the same at the rate of seven per cent per annum from date of sale, together with the other taxes and assessments remaining a lien on such lands at the time of the purchase so made, with the interest thereon at the rate provided in this act. Upon making payment as above, such purchaser shall be entitled to and receive a certificate and a deed conveying all the right, title and interest of the city to such tax lands acquired or accrued by virtue of the original sale or sales to the city. All the provisions of law relative to deeds executed by the city treasurer on the surrender of certificates of sale made by the several county treasurers shall be applicable in making deeds for such purchases.

May purchase land bid in by city.

Certificate and deed to be issued.

SEC. 46. Neither the sale of city tax lands, nor the sale of any of the bids of the city for which the time of redemption has not expired, shall in any wise prejudice the right to enforce the collection of any tax or assessment subsequent to the year or years for which the same has been sold as aforesaid, and, for the taxes, assessments and charges remaining unpaid for said subsequent year or years, the city treasurer shall cause such lands to be offered in regular succession at the next ensuing annual sales for taxes and assessments, giving notice as required by law, unless previously redeemed or otherwise discharged.

May collect taxes after sale.

SEC. 47. In all cases where it shall become necessary in the prosecution of an action of ejectment by any person holding an adverse claim to any lands hereafter bid in for the city as provided in this act, the city treasurer by his name of office may be defendant, and in all cases in the prosecution or de-

In case of action of ejectment.

fense of an action of ejectment or trespass by any person holding or claiming land under any deed or deeds or other conveyance of land bid off or purchased for delinquent or unpaid taxes or assessments, the party reclaiming under and by virtue of such purchase for unpaid taxes or assessments, may show his title to said land and premises, whether the same were derived under one or more purchases or sales for taxes or assessments or otherwise, and may give in evidence any and all deeds of conveyance or other legal evidence of such purchase as aforesaid, which he may have received on sales for taxes or assessments, and may claim title under any or all of them.

Compensation
of county clerk.

SEC. 48. The county clerk of the county of Kalamazoo shall receive for his services under this act the sum of ten dollars to be paid out of the general fund of said city.

When money
to be refunded.

SEC. 49. Whenever any lands returned to the office of the city [treasurer] treasure shall have been sold on account of non-payment of taxes or assessments thereon, if the city treasurer shall discover, before a conveyance of said land is executed and delivered:

Not subject to
taxation.

First, That the land so sold was not subject to taxation at the date of the assessment of the taxes or assessments for which it was sold; or,

Taxes had been
paid in due
time.

Second, That the taxes or assessments had been paid to the proper officer within the time limited by law for the payment or redemption thereof; or,

Sale illegal.

Third, That such sale was in contravention of any of the provisions of this act; or,

No taxes
against such
land.

Fourth, That a certificate that no taxes or assessments were charged against said lands has been given by the proper officer, within the time limited by law for the payment or redemption thereof, the city treasurer shall withhold a conveyance of such lands, and shall, on demand, cause the money paid therefor to be refunded to the purchaser, with interest thereon at seven per cent: *Provided*, That in the last mentioned case the person in whose behalf such certificate was given, shall at the time of presenting such certificate, pay all taxes, assessments and charges due to the city upon such lands at the time such certificate was issued. If the discovery is not made until after the conveyance has been executed and delivered, a certificate of error may be issued in proper form for record; and the deed, if not recorded, shall be surrendered when the purchase money is refunded; if the deed has been recorded, the money shall be refunded on a recorded release from the holder of the tax deed.

Proviso.

When certifi-
cate of error
to be issued.

Proceedings to
be presumed
legal.

SEC. 50. No tax or assessment assessed upon any property or sale therefor, shall be held invalid on account of any assessment or tax roll not having been made or proceeding had within the time required by law, or on account of the property having been assessed without the name of the owner, or in the

name of any person other than the owner, or on account of any other irregularity, informality, or omission, or want of any matter of form or substance in any proceeding that does not prejudice the property rights of the person whose property is taxed or assessed; and all proceedings in assessing and levying taxes and assessments and in the sale and conveyance therefor, shall be presumed by all the courts of this State to be legal, until the contrary is affirmatively shown. All records, statements and certificates herein provided for shall be *prima facie* evidence of the facts therein set forth. The absence of any record of any proceeding or proceedings, or the omission of any mention in any record of any vote or proceeding, or of mention of any matter in any statement or certificate that should appear therein under the provisions of any law of this State, shall not affect the validity of any proceeding, tax, assessment or title depending thereon, provided the fact that such vote or proceeding was had, or tax or assessment authorized is shown by any other record, statement or certificate made evidence by the terms of this, [act,] or any other law of this State. No tax, assessment or sale of property for any tax or assessment hereunder, shall be rendered or held invalid by showing that any record, statement, certificate, affidavit, paper or return cannot be found in the proper office; and unless the contrary is affirmatively shown, the presumption shall be that such record was made, and such certificate, statement, affidavit, paper or return was duly made and filed. The provisions of this section shall not be construed to authorize any showing impeaching the validity of any deed executed by the city treasurer under the provisions of this act, but such deed shall be held absolute and conclusive as herein provided.

All records, etc., to be *prima facie* evidence.

When records, etc., to be deemed to have been made and returned.

SEC. 51. In all cases of sale of lands for taxes or assessments, if the purchaser or his assigns shall die before a deed shall be executed on such sale, the deed may be executed by the city treasurer, to and in the name of the deceased person, if such deceased person being still alive would be entitled to a deed, which deed shall vest the title in the heirs or devisees of such deceased person, in the same manner, liable to like claims of creditors and other persons as if the same had been executed to said deceased person immediately previous to his death, or the executor or administrator may assign the certificate of purchase and the deed may issue to the assignee thereof, and in like cases which have heretofore occurred, the same rule shall apply, and all deeds heretofore issued in the name of any person deceased, who, if living at the time of the execution thereof, would have been entitled thereto, shall have like effect as above provided.

In case of death of purchaser deed to be issued to his heirs.

SEC. 52. All other proceedings to sell such lands and enforce the lien of the city of Kalamazoo for unpaid taxes or assessments, for the redemption thereof, and not herein provided for, shall be governed by and conform, as near as prac-

Proceeding not provided for to be according to the general laws.

licable, to the provisions of the general laws of this State regulating the sale and redemption of lands for unpaid taxes and assessments.

Deputy may do
work of officer.

SEC. 53. When an officer is authorized to do any act, his deputy shall have the same authority, and such officer shall be responsible for the acts of his deputy.

Supervisors to
perform their
duties until
when.

SEC. 54. The supervisors of the city holding office at the time of the passage of this act, shall continue in office and perform all duties imposed upon them by law until the second Monday in April, one thousand eight hundred and ninety-eight, and no longer. All assessment and tax rolls of the city shall be perfected and all things shall be done in reference thereto as required by the provisions of law before the passage of this act up to and until the time when the several tax rolls of the city for the year one thousand eight hundred and ninety-seven shall come to the hands of the city treasurer for the collection of taxes, and thereafter the provisions of this act shall control and govern in all things pertaining to the collection of taxes, the return of delinquent taxes and the sale of lands for delinquent taxes and the redemption thereof. When the supervisors of the city shall have completed the State, county and school city tax rolls for the year one thousand eight hundred and ninety-seven, they shall each respectively deliver to the city assessor all assessment rolls, plat books and all other books, papers and effects in their custody as such officers and in any way pertaining to the office of supervisors of the several wards of the city.

CHAPTER XXIII.

SPECIAL ASSESSMENTS.

Making of
special assess-
ments.

SECTION 1. When by the provisions of this act the cost and expense of any local or public improvement may be defrayed in whole or in part by special assessments upon lands abutting upon and adjacent to or otherwise benefited by the improvement, such assessments may be made as in this chapter provided.

Assessor to
make special
assessments.

SEC. 2. The city assessor shall make all special assessments for said city. If the city assessor shall be personally interested in any particular special assessment, such particular special assessment may, if the city council so determine, be made by the city engineer or by such other person as the city council may, by resolution designate.

Apportionment
of.

SEC. 3. When the city council shall determine to make any public improvement or repairs and defray the whole or any part of the cost and expense thereof by special assessment, they shall so declare by resolution, stating the improvement, and what part or portion of the expense shall be paid by special assessment, and what part, if any, has been appropriated from

the general funds of the city or shall be borne by the city; and shall designate the district or lands and premises upon which the special assessment shall be levied.

SEC. 4. Before ordering any public improvement or repairs, any part of the expense of which is to be defrayed by special assessment, the city council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and file the same with the city clerk. Estimates, plans.

SEC. 5. The costs and expenses of any improvement which may be defrayed by special assessment, shall include the cost of surveys, plans, assessments, notices, advertising and costs of construction. What costs to include.

SEC. 6. Special assessments to defray the cost of any improvement may be levied before making the improvement. Assessment for making improvement.

SEC. 7. When any special assessment is to be made *pro rata* upon the lots and premises in any special district, according to frontage or benefits, the city council shall, by resolution, direct the same to be made by the city assessor, and shall state therein the amount to be assessed, and whether according to frontage or benefits; and describe or designate the lots and premises, or locality constituting the district to be assessed. Assessment pro rata.

SEC. 8. Upon receiving such order and directions, the city assessor shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the city council and the provisions of this act, applicable to the assessment, and if the several descriptions thus to be assessed in any special assessment district shall extend into more than one ward of the city, the city assessor shall enter the several descriptions situated in any one ward by themselves, separate from those of the others. In all cases where the ownership of any description is unknown to the city assessor, he shall, in lieu of the name of the owner, insert the name "Unknown;" and if by mistake or otherwise, any person shall be improperly designated as the owner of any lot, parcel of land or premises, or if the same shall be assessed without the name of the owner, or in the name of a person other than the owner, such assessment shall not, for any such cause, be vitiated, but shall, in all respects, be as valid upon and against such lot, parcel of land or premises as though assessed in the name of the proper owner, and when the assessment roll shall have been confirmed, be a lien on such lot, parcel of land or premises, and collected as in other cases. Assessment roll.
In case owner is unknown.

SEC. 9. If the assessment is required to be according to frontage, the city assessor shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the Assessments according to frontage.

City assessor
to report to
council when
assessment is
completed.

improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, the city assessor shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement. When the city assessor shall have completed the assessment, he shall report the same to the city council; such report may be in the form of a certificate, indorsed on the assessment roll as follows:

Form of report. STATE OF MICHIGAN, } ss.
City of Kalamazoo, }

To the City Council of the City of Kalamazoo:

I hereby certify and report, that the foregoing is the special assessment roll, and the assessment made by me pursuant to a resolution of the city council of said city, adopted (give date) for the purpose of paying that part of the cost which the city council decided should be paid and borne by special assessment for the (here insert the object of the assessment); that in making such assessment, I have, as near as may be, and according to my best judgment, conformed in all things to the directions contained in the resolution of the city council hereinbefore referred to, and the charter of the city relating to such assessments.

Dated.....

.....City Assessor.

Assessments
other than
those to be
made pro rata.

SEC. 10. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land or premises, which, by the provisions of this act, the city council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land in a special assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, or causing the same to be done, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person, if known, chargeable therewith, shall be reported to the city council in such manner as they shall prescribe. The provisions of the preceding sections of this chapter with reference to special assessments generally, and the proceedings necessary to be had before making the improvement shall not apply to assessments to cover the expenses incurred, in respect to that class of improvements contemplated in this section.

Expense
charged
against in-
dividual lots.

SEC. 11. The city council shall determine what amount or part of every such expense shall be charged, and the person if known, against whom, and the premises upon which the

same shall be levied as a special assessment; and as often as the city council shall deem it expedient, they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively, to be reported by the city clerk to the city assessor for assessment. Report to assessor.

SEC. 12. Upon receiving the report mentioned in the preceding section, the city assessor shall make a special assessment roll, and levy as a special assessment therein, upon each lot or parcel of land so reported to him, and against the persons chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed, he shall report the assessment to the city council; and all the several assessments in each ward shall be kept separate, the same as is required in section eight of this chapter. Special assessment roll.
Report to council.

SEC. 13. When any special assessment shall be reported by the city assessor to the city council, as in this chapter directed, the same shall be filed in the office of the city clerk, and numbered consecutively. Before adopting such assessment, the city council shall cause notice to be published two weeks at least, in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the city council and city assessor will meet to review said assessment. Any person objecting to the assessment may file his objections thereto in writing with the city clerk. The notice provided for in this section may be addressed to the persons whose names appear upon the special assessment roll, and to all others interested therein, and may be in the following form: Filed and numbered.
Notice of meeting to review.
Objections filed with clerk.

NOTICE OF SPECIAL ASSESSMENT.

To (insert the names of the persons against whom the assessment appears), and to all other persons interested, take notice: That the roll of the special assessment heretofore made by the city assessor for the purpose of defraying that part of the cost which the council decided should be paid and borne by special assessment for the (insert the object of the assessment and the locality of the proposed improvement in general terms) now is on file in my office for public inspection. Notice is also hereby given, that the city council and city assessor of the city of Kalamazoo will meet at the council room in said city on (insert the date fixed upon) to review said assessment, at which time and place, opportunity will be given to all persons interested to be heard. Notice of special assessment.
Form of notice.

Dated.....

.....City Clerk.

Review, correction, etc., of assessment.

SEC. 14. At the time and place appointed for the purpose, as aforesaid, the city council and city assessor shall meet, and there, or at some adjourned meeting, review the assessment; and shall hear any objections to said assessment which may be made by any person deeming himself aggrieved thereby, and the city council may correct said roll as to any assessment, or description of premises, appearing therein, and may confirm it as reported, or as corrected; or they may refer the assessment back to the city assessor for revision; or annul it and direct a new assessment; in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the city clerk shall make an endorsement upon the roll showing the date of confirmation.

Confirmation final.

SEC. 15. When any special assessment shall be confirmed by the city council, it shall be final and conclusive.

Assessments a lien.

SEC. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the person to whom assessed, until paid.

Special assessments may be divided into installments.

SEC. 17. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than four installments, one of which shall be collected each year, at such times as the city council shall determine, with annual interest at a rate not exceeding six per cent per annum, but the whole assessment after confirmation, may be paid to the city treasurer at any time in full, with the proportionate interest thereon.

Special assessments due on confirmation.

SEC. 18. All special assessments, except such installments thereof as the city council shall make payable at a future time, as provided in the preceding section, shall be due and payable upon confirmation.

Special assessment roll to be made for each installment.

SEC. 19. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed.

Assessment to be apportioned when lots are divided.

SEC. 20. Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the city council may require the city assessor to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or lands shall be according to such division.

Additional assessment to supply deficiency.

SEC. 21. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the city council may, within

the limitations prescribed for such assessments, make an additional *pro rata* assessment to supply the deficiency, and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

SEC. 22. Whenever any special assessment shall, in the opinion of the city council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the city council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such re-assessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof, levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises, and the re-assessment shall to that extent be deemed satisfied.

New assessment in case of irregularity.

SEC. 23. No judgment or decree, nor any act of the city council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding, might have been lawfully assessed thereon.

Lien not impaired by vacating assessment.

SEC. 24. Whenever any special assessment shall be confirmed and be payable, the city council may direct the city clerk to report to the city assessor a description of such lots and premises as are contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and direct said assessor to levy the several sums so assessed as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report, the city assessor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax in the city tax roll or other general tax roll in which such premises are described, next thereafter to be made, in a column for special assessments, and thereupon the amounts so levied in said tax roll shall be collected and enforced with the other taxes in such tax roll, and in the same manner; and shall continue to be a lien upon the premises assessed, until paid, and when collected shall be paid into the city treasury.

Levy and collection of special assessments.

SEC. 25. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the city council, instead of requiring the assessments to be reported to the city assessor, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be col-

Collection when made in separate roll.

Warrant.

lected directly therefrom; and thereupon the city clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city treasurer to collect from each of the persons assessed in said roll, the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment within forty days from the date of the warrant then to levy and collect the same by distress and sale of the goods and chattels of such person; and return said roll and warrant together with his doings thereon, within sixty days from the date of such warrant.

Seizure and sale of goods.

SEC. 26. Upon receiving said assessment roll and warrant, the city treasurer shall proceed to collect the amounts assessed therein, and for that purpose it shall be his duty, immediately upon receiving such roll, to give public notice of the receipt thereof by him, by publication for six successive days in one or more of the newspapers of the city. If any person shall neglect or refuse to pay his assessment within forty days from the date of the warrant attached to such roll, the treasurer shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus if any, shall be paid to the person entitled thereto.

Disposition of proceeds.**Return of roll.**

SEC. 27. The treasurer shall make return of said assessment roll and warrant to the city clerk, according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

Re-assessment with interest.

SEC. 28. Said warrant may be renewed from time to time by the city council, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the city treasurer shall perform the same duties and make the like returns, as above provided. In case any assessment shall be finally returned by the city treasurer unpaid, as aforesaid, the same may be certified to the city assessor in the manner provided in section twenty-four of this chapter, and shall then be re-assessed with interest included at the rate of seven per cent. per annum from the date of the confirmation of the assessment until the last day for the payment

of taxes, in the next city or other general tax roll, and be collected and paid in all respects as provided in section twenty-four aforesaid.

SEC. 29. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified copy of the resolution confirming the same shall be *prima facie* evidence of the regularity of all proceedings in making the assessment, and of the right of the city to recover judgment therefor. Collection by suit.

SEC. 30. If in any such action it shall appear that by reason of any irregularities or informalities, the assessment has not been properly made against the defendants, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises. Judgment notwithstanding irregularities.

SEC. 31. The provisions of this act shall apply as well to assessments made prior to its passage and remaining unpaid, as to those made after its passage. Proceedings to apply to what.

CHAPTER XXIV.

APPROPRIATION OF PRIVATE PROPERTY.

SECTION 1. Whenever it is deemed necessary by the city council to take or appropriate any private property, right of way, interest or estate therein, for any public improvement or use, the proceedings therein shall be as follows, [viz.] namely: The city council shall first declare by resolution that they deem it for the interest of said city to take the property, interest or estate therein, for public use or improvement, which resolution shall describe the property, interest or estate therein proposed to be taken and the particular purpose for which it is proposed to take the same. The said city council shall thereupon cause notice thereof to be given to the owners or occupants or persons interested, or his, her or their agent or representatives, as far as they can be ascertained, by personal service, or by posting up such notice in three or more public places in said city, stating the time and place when and where said council will meet to consider such resolution, which notice shall describe the property and the interest or estate therein proposed to be taken and the purposes for which it is proposed to take the same; and which notice shall be served or posted Proceedings in taking private property for public use.
Resolution of council.
Notice of consideration of resolution.

in three or more conspicuous places within the corporate limits of the city of Kalamazoo at least ten days before the time of meeting. If, after hearing the persons interested who may appear at such meeting, said city council shall still deem it for the interest of said corporation to take such property, interest or estate therein for the particular public use or improvement mentioned, they shall confirm said resolution, and then they shall proceed to treat with the parties interested in the property proposed to be taken, and obtain a release or conveyance thereof, by gift, grant or purchase. If such conveyance or release shall not be obtained by treaty from said parties, or from all of them, then it shall be lawful for the mayor of said city, or in case of his absence from the city, for the city clerk, to apply to the probate court of Kalamazoo county for the appointment of a jury of twelve freeholders of the city, to inquire into and ascertain the necessity for taking and using such property for the use and benefit of the public, and the just compensation to be made therefor, and to appraise the damages thereon to such persons as shall not have released all claim for damages or agreed with the mayor or city council on the price to be paid by reason of the taking or using such private property, interest or estate therein, for such specified purpose, which application shall describe the grounds and premises, or the interest or estate therein proposed to be taken, and the purpose for which it is proposed to take the same, and also the fact that the city has failed to obtain the same by treaty. Notice of such intended application, together with a copy of the same, shall be served on the parties interested in the property proposed to be taken, who have not released or agreed upon compensation to be received therefor, at least fourteen days before the same is presented to such probate court. Such service may be made on such persons personally or by publication for the same length of time in some daily newspaper, to be designated by the city council, and printed and circulated in said city. Upon the receipt of such application, the judge of said court to whom the same is presented, shall make a list of twelve disinterested freeholders residing in said city, having the qualifications of jurors in courts of record of this State, and shall issue a *venire* under his hand, directed to the chief of police or any constable of the city of Kalamazoo, commanding the officer therein named to summon the persons named in said list to be and appear at the probate office in the city of Kalamazoo on a day and at a certain hour to be therein named, not less than six nor more than twelve days from the time of issuing the same, to serve as jurors to inquire into and ascertain the necessity for taking and using such property for the use and benefit of the public, and the just compensation to be made therefor, and to appraise the damages occasioned by taking the property, interest or estate therein mentioned and described in

Confirmation of resolution.

Release of property. When release cannot be obtained, application to be made for jury.

Notice of intent to make application.

Service of.

Drawing a jury.

Venire.

such application, for the purpose therein mentioned. If all the jurors shall not appear, or if any one be disqualified for any reason, said court shall cause a sufficient number of talesmen having the qualifications aforesaid, to be summoned as aforesaid, to make a full jury. No person shall be incompetent to serve as a juror on account merely of such interest as he may have in common with the inhabitants of the city in the result of the proceedings. Any person summoned as a juror may, on the demand of any person or persons interested, be sworn and examined touching his competency to act as a juror in the proceeding. And if it appear on such examination to the satisfaction of the court before whom such proceedings are had that any juror is directly interested in said proceeding, or unduly biased or prejudiced in regard thereto, such juror shall be excused. The jury shall be sworn by the judge of said court, to inquire into and ascertain the necessity for taking and using such property for the purpose expressed in said application and the just compensation to be made therefor and to appraise the damages occasioned by taking the property, interest or estate therein described in such application for the purpose in said application specified, and in fixing the amount of damages to be appraised, the jury shall take into consideration the benefits directly received by the owner or owners of such property by reason of taking such property, interest or estate. They shall proceed to view the premises described, and hear proofs, and within ten days thereafter make a return in writing to said court before whom the proceedings were had, signed by them, of their doings, which shall state their finding in regard to the necessity aforesaid, and the amount of damages awarded, if any, to whom payable, if known, a statement of the time spent by them for that purpose, which return shall be certified by said court under the seal thereof, and forthwith filed in the city clerk's office. Each juror shall be entitled to receive one dollar and fifty cents per day. The judge of the court before whom such proceedings are had, for his services shall receive five dollars per day for such proceedings. The fee of the officer summoning such jury shall be two dollars.

Talesmen.

Competency
of jurors.Jurors to be
excused if in-
terested.Jurors to be
sworn.To view prim-
ises, proofs, and
make returns.Compensation
of jurors, judge
of probate.

SEC. 2. The city council may confirm or disaffirm by resolution the award of the jury in whole or in part in any case. In case of disaffirming the same, it shall be lawful for said council to institute new proceedings at any time after the lapse of six months from the date of such award, to appropriate the same property. In case the award of the jury be confirmed by said city council, then in such case, the award shall be final and conclusive. A copy of said proceedings certified by the city clerk under the seal of the city, shall be received as *prima facie* evidence of said proceedings in all the courts of the State.

Powers of coun-
cil to confirm.
etc., award of
jury.

Damages,
costs, etc., pay-
ment of.

When parties
unknown.

When city may
take posses-
sion, etc., of
property.

What jury to
consider or
determine.

Disagreement
of jury.

When jury un-
able to dis-
charge duties.

SEC. 3. The damages which shall have been awarded, as hereinbefore provided, or which shall have been contracted to be paid by the city council, and the fees and charges lawfully incurred, shall be allowed by and collected of said city and shall be paid on the order of the council, as other city charges. And the damages shall be paid or tendered to any person or persons in whose favor such award of damages shall be made, if known, before said property, interest or estate therein, shall be appropriated to public use. If any party or parties in whose favor an award of damages shall be made, are unknown or non-residents, it shall be sufficient to make the award of damages to the "unknown owner or owners," or "non-resident owner or owners" of any parcel of land, interest or estate therein taken. And the unknown parties or non-residents shall be entitled to receive the orders, as aforesaid, upon proof to the city council of their ownership of the property so appropriated to public use. When damages or compensation shall have been paid or tendered to the person or persons entitled thereto, or an order on the city treasurer for the amount of such damages shall have been executed and delivered or tendered to said person or persons, if known, and residents of said city, the city council shall have full power and authority to enter upon and appropriate such property to the use for which the same was taken, and for that purpose may employ such assistance as may be necessary.

SEC. 4. The jury shall consider upon each parcel of land described in the application to said court separately; if several persons shall have separate claims upon the same lot or parcel of land as owners, mortgagees, lessors or otherwise, and the same shall be made to appear to said jury, they shall apportion to each such share of the damages or compensation awarded as shall be just. Damages and compensation for taking the land of any deceased person or persons may be awarded to his, her or their estate.

SEC. 5. A disagreement of the jury as to one or more distinct parcels of land shall not effect the awards or report in which they have agreed, and upon any disagreement, the court before whom the proceedings shall have been instituted, may, upon request of the mayor or city clerk, empanel a new jury in the same manner provided for empaneling the original jury, and like proceedings shall thereupon be had concerning any lands upon which the jury failed to agree; and a new jury may in like manner be had as often as necessary. If any juror during the course of the proceedings shall be unable to discharge his duties, the court before whom the proceedings are had, may appoint another in his place, who shall have the qualifications, and be sworn, and exercise the same duties as the other jurors of the panel, but in such case the proceedings shall begin anew from the empaneling of the jury.

SEC. 6. At the time of making application to the probate court for the empaneling of a jury, and in all subsequent proceedings any infant or incompetent person shall be represented by his or her guardian, appointed under the laws of the State, and service of any notice required to be made, may be made on such guardian, and if there should be no guardian, or if no guardian should appear to represent such infant or incompetent person, the court before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem* to protect the interest of the person for whom he is appointed in said proceedings.

When minor or incompetent person are interested.

SEC. 7. The probate court for the county of Kalamazoo shall have jurisdiction in all proceedings taken under the charter of the city of Kalamazoo for the appropriation of private property for public use. If, in any case, the judge of said probate court shall be disqualified for any reason from acting in any case, the judge of the circuit court for said county, sitting as the judge of probate thereof, shall perform the duties of such judge of probate unless he be in like manner incapacitated from so acting; in which case the circuit judge of any other county, sitting as judge of probate for said county of Kalamazoo, may perform such duties.

When probate court to have jurisdiction.

If judge of probate be disqualified.

SEC. 8. The judge of probate for said county shall, at the expense of the city of Kalamazoo, provide a record in which shall be entered at large all proceedings had in said court for the appropriation of property for public use. Such record shall be signed by said judge of probate, and in all cases shall be *prima facie* proof of the facts therein contained. In addition to the compensation hereinbefore provided, said judge of probate shall receive ten cents per folio for entering the proceedings in said record, to be paid by the city on presentation of the proper vouchers therefor.

Judge of probate to provide record.

Record to be prima facie evidence.

SEC. 9. In cases brought in said court under provisions of this act, for the appropriation of private property for public use, such cases or proceedings shall be removed to the appellate court only in the manner in this act provided.

How cases removed to appellate court.

SEC. 10. All proceedings heretofore taken under and by virtue of the act or acts incorporating the city of Kalamazoo for the appropriation of private property for public purposes are hereby declared valid, and nothing in this act contained shall affect their force or validity.

Previous acts declared valid.

CHAPTER XXV.

ORDINANCES.

SECTION 1. The style of all ordinances shall be, "The city of Kalamazoo ordains." All ordinances shall require for their passage, the concurrence of a majority of all the members of the city council.

Style and vote.

Powers of council to prescribe fines.

SEC. 2. When by the provisions of this act, the city council of said city has authority to pass ordinances for any purpose; they may prescribe fines, penalties and forfeitures, not exceeding five hundred dollars, or imprisonment not exceeding six months, or both in the discretion of the court, together with the costs of prosecution, for each violation of any of said ordinances, and may provide that the offender, on failing to pay such fine, penalty or forfeiture or the costs of prosecution, may be imprisoned for any term not exceeding six months, unless payment thereof be sooner made; and may direct such imprisonment to be in the county jail of Kalamazoo county. Such fine, penalty, forfeiture or imprisonment for the violation of any ordinance shall be prescribed therein.

Ordinances, etc., to be published.

SEC. 3. No by-law or ordinance shall be of any effect until one week after its enactment and the same shall have been published at least once in some newspaper printed and published in said city.

Ordinances, etc., to be entered in book.

SEC. 4. Immediately after any by-law or ordinance shall have become operative, it shall be the duty of the city clerk to enter the same, together with the evidence of its publication, in a book to be kept by him in his office for that purpose and to be known as the "Book of Ordinances," and he shall certify thereto the ordaining of such by-law or ordinance. Whenever any by-law or ordinance shall have been passed by the city council and published as provided in section three of this chapter, the same shall be operative and in force. It shall not be necessary to give notice of the repeal of any by-law, rule or regulation or ordinance.

When become operative.

Repeal of.

Judicial notice of, to be taken by courts.

SEC. 5. In all courts having authority to hear, try or determine any matter or cause arising under the ordinances of said city, and in all proceedings in said city relating to or arising under the ordinances or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions, and continuing force of such ordinances, and whenever it shall be necessary to prove any of the by-laws, regulations or ordinances of said city, or any resolution adopted by the city council, the same may be read in evidence in all courts of justice, and in all proceedings:

Proof of ordinances.

First, From a record thereof kept by the city clerk;

Second, From a copy thereof or of such record thereof certified by the city clerk under the seal of the corporation;

Third, From a volume of ordinances purporting to have been written or printed by authority of the city council.

Amendment of.

SEC. 6. No ordinance shall be amended unless the whole, or so much as is intended to be amended, shall be re-enacted. When any section of an ordinance is amended, the whole section as amended shall be re-enacted.

CHAPTER XXVI.

ENFORCEMENT OF ORDINANCES.

SECTION 1. Prosecution for the violation of the ordinances of said city shall be commenced within two years after the commission of the offense, and shall be brought within the city.

Time and place
of commencing
prosecution.

SEC. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt or in *assumpsit*; if it be a forfeiture of any property, it may be sued for and recovered in an action of *trover*, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid.

Recovery of
penalties and
forfeitures.

SEC. 3. Such action shall be brought in the name of the city of Kalamazoo, and shall be commenced by summons. The form, time of return and service thereof, the pleadings and all the proceedings in the cause shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties and forfeitures for violation of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith and, except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment nor shall costs be allowed to the defendant in any such action.

Idem.

SEC. 4. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender.

Suits com-
menced by
warrant.

SEC. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and the execution thereof shall, except as otherwise provided by this act, be governed by and conform as

Form of
warrant.

Proceedings.

nearly as may be to the provisions of law regulating the proceedings in criminal cases cognizable by justices of the peace.

Rendition of judgment.

SEC. 6. If the accused shall be convicted, the court shall render judgment thereon and inflict such punishment, either by fine or imprisonment or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with costs of prosecution. In no case shall the party complained of recover costs.

Execution of judgment.

SEC. 7. Every such judgment shall be executed by virtue of an execution or warrant of commitment specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment is alone imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

City entitled to use of county jail.

SEC. 8. Said city of Kalamazoo shall be allowed the use of the jail of the county of Kalamazoo for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to and committed to imprisonment, in such county jail, and the sheriff or other keeper of such jail, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

To whom process directed.

SEC. 9. All process issued in any prosecution or proceeding for the violation of any ordinance of the city, shall be directed to the officers authorized by law to serve process from a justice of the peace, or to the chief of police or any member of the police force of the city of Kalamazoo, and may be executed in any part of the State by said officers.

How ordinances set forth in complaint.

SEC. 10. It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provisions thereof in any complaint, warrant, process or pleading therein; but the same shall be deemed sufficiently set forth or stated by reciting its title and the date of its passage or approval. And it shall be a sufficient statement of the cause of action in any

Statement.

such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city of Kalamazoo, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause, shall take judicial notice of the enactment, existence and provisions of the ordinances of the city, and the resolutions of the city council, and of the authority of the council to enact the same.

SEC. 11. In all prosecutions for violations of the ordinances of the city, whether commenced by summons or warrant, either party may require a trial by jury. Such jury, except when other provision is made, shall consist of six persons and shall be selected and drawn as is provided by law for selecting and drawing juries in the recorder's court of said city. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party or interested, on account merely of such interests as he may have in common with the inhabitants of the city in the result of the suit. Trial by jury

SEC. 12. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the county of Kalamazoo by appeal, or writ of *certiorari*; and the proceedings therefor and the bond or security to be given thereon and the proceedings and disposition of the cause in the circuit court, shall be the same as an appeal and *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violation, either party may appeal from the judgment, or remove the proceedings, by *certiorari*, into the circuit court; and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given as in cases of appeal and *certiorari* in civil causes tried before justices of the peace, except that the city shall not be required to give bond or security thereon. The circuit court of said county shall also take judicial notice of the ordinances of the city and the resolutions of the city council, and of the provisions thereof. Removal of proceedings to circuit court.

SEC. 13. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs shall be made to the sheriff, or other keeper of the jail, who shall, within thirty days thereafter, pay the same to said court or magistrate, and the court or magistrate receiving any By whom fines receivable.

Monthly payment of, into city treasury.

such fine or penalty or any part thereof, shall pay the same into the city treasury on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.

**Neglect to pay
over fines.**

SEC. 14. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provisions, it shall be the duty of the city council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving any such fine, who shall wilfully neglect or refuse to pay over the same, as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Penalty.

**Disposition of
fines.**

SEC. 15. Fines paid into the city treasury for violation of ordinances of the city shall be placed to the credit of the general fund. The expenses of the apprehension and punishment of persons violating the ordinances of the city shall be defrayed by the city out of the general fund.

**Security for
costs.**

SEC. 16. No case or prosecution shall be commenced under any ordinance of the city until the complaining party has furnished security for costs, unless the same be commenced by order of the mayor, the city council or city attorney.

CHAPTER XXVII.

MISCELLANEOUS PROVISIONS.

**Salaries and
compensation
of certain
officers.**

SECTION 1. The mayor shall be entitled to receive a salary of three hundred dollars a year for his services as mayor. Aldermen shall be allowed a compensation of one hundred and fifty dollars a year. Justices of the peace, constables and officers serving process and making arrests shall be allowed such fees as are provided for like services by the general laws of the State.

**City officers not
to be interested
in contracts.**

SEC. 2. Members of the council or other officers of the city shall not be interested directly or indirectly, as principal, surety, or otherwise, in the fulfillment of any contract, job, work, claim or services other than official services rendered the city, the compensation for which is to be paid out of the city treasury. This section shall not be construed as prohibiting any member of the council or other officer of the city from selling goods to the city in the open market and in competition with others dealing in the same kind of goods. A violation of provisions of this section, on the part of any officer of the city, shall work a forfeiture of office; and in addition thereto, such penalty, not exceeding two hundred dollars, as the city council shall by resolution impose.

Penalty.

SEC. 3. Standing committees appointed by the mayor shall perform such duties, investigate, have charge of and report upon such matters as may be properly referred to them. Special committees may be appointed at any session of the city council and such committees shall perform such duties relative to the matters referred to them as may be required by the council or by the mayor.

Standing and
special com-
mittees.

SEC. 4. All acts and parts of acts heretofore passed in relation to the incorporation of the village and city of Kalamazoo, are hereby repealed, subject to the provisions of section twelve of this chapter, but nothing herein contained shall be construed to destroy, impair or take away any right or remedy acquired or given by any act hereby repealed, and all proceedings commenced under any such former act shall be carried out and completed. All prosecutions for any offense committed or penalty or forfeiture incurred shall be imposed in the same manner and with the same effect as if this act had not been passed, but nothing in this section contained, shall be construed to annul or impair or effect any ordinance, by-law, resolution or proceeding of said village or city not inconsistent with the provisions of this act, but the same shall continue and remain in force until the same are amended or repealed as fully as though this act had not been enacted, subject to the limitation embodied in section six of this chapter.

Acts repealed.

SEC. 5. All personal and real estate, franchises, credits and effects whatsoever, and all and every right or interest therein belonging to the village or city of Kalamazoo under and by virtue of any former acts, and all demands due and to grow due to the same, shall hereafter fully and absolutely belong to the corporation created and continued by this act, saving nevertheless to all and every person his or their just rights therein; and to the end that all and singular the estates and rights aforesaid may be fully vested in the corporation hereby created and continued, every person who is or shall be possessed thereof shall deliver the same to the city of Kalamazoo with all the evidences touching the same, and said corporation may bring suit in its corporate name for the recovery of the same; and the corporation hereby created and continued shall be liable to pay all just debts due from or claims or demands against the village or city of Kalamazoo as heretofore existing, and all contracts and agreements heretofore made or entered into by the corporate authorities of the village or city of Kalamazoo shall be and the same are made binding and obligatory upon the corporation hereby created and continued the same as if this act had not been passed.

Real estate,
franchises,
rights, etc.,
of village to
belong to city.

Liability of city
for obligations,
etc., of village.

SEC. 6. The ordinances and by-laws in force in the city of Kalamazoo shall be and remain in full force and effect, the same as if the said city ordinances and by-laws were legally

Ordinances
to remain in
force.

adopted by the city council under the authority of this act, until amended or repealed by the city council under the provisions of this act.

Annual financial report of council to be published.

SEC. 7. The city council shall, at the close of each fiscal year, cause to be published in at least one newspaper printed in said city, or in pamphlet form, as the council may direct, a just and true account of all moneys received and expended by them in their corporate capacity, during the year or period preceding such publication, and also the disposition thereof, previous to which they shall audit and settle the accounts of the city treasurer and the accounts of all other officers; such accounts shall also contain such reports from the different officers of the city and committees of the city council as said council may direct.

Repeal of ordinances.

Proceedings to be entered in book.

SEC. 8. When any by-law, ordinance, or regulation of said city shall be amended or repealed, the proceedings of the city council thereon shall be entered in the "Book of Ordinances," by the clerk and certified by him, and when so entered and certified, the same or a certified copy thereof shall be read in evidence in all courts and proceedings the same as in this act provided for the admission in evidence of the ordinances of said city.

Township of Kalamazoo.

SEC. 9. The township of Kalamazoo shall be, remain and continue in all respects as immediately before the passage of this act, except that it shall exercise no jurisdiction or control within the limits of said city of Kalamazoo, and township officers shall not exercise any official authority or perform any official act as such township officers within the city of Kalamazoo in any manner affecting the rights of persons or property of the citizens of said city of Kalamazoo after the passage of this act.

Ordinances for execution of powers conferred.

SEC. 10. Whenever by this act, or any other provision of law, any power or authority is vested in or duty imposed upon the corporation, city council, or board of health of said city, such city council or board of health may enact such appropriate ordinances, not inconsistent with the laws and constitution of the State, as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty, and enforce the same by suitable fines, penalties, forfeiture or imprisonment.

Act to be deemed public.

SEC. 11. This act shall be deemed a public act, and shall be favorably construed in all courts and places whatsoever. The legislature may, at any time, modify, alter, amend or repeal the same.

City of Kalamazoo, etc., continued.

SEC. 12. The said city of Kalamazoo as heretofore incorporated, and all the provisions of law having relation thereto, are hereby continued until the time or times prescribed by this act for proceedings under the several provisions hereof; and the officers of said city shall have and exercise control of the municipal affairs of said city until their successors are

elected and shall qualify and take their seats, under the provisions of this act, and no longer.

SEC. 13. The city council may pass all necessary ordinances to make this act effectual.

Council to pass all necessary ordinances.

SEC. 14. All acts and parts of acts heretofore passed inconsistent with this act are hereby repealed. But all proceedings commenced under any such former acts may be carried out and completed the same as if this act had not been passed.

Acts repealed. When certain proceedings carried out.

SEC. 15. The aldermen heretofore elected for the several wards of the city shall continue to serve until the terms for which they were elected shall have expired. Elections hereafter shall take place in the several wards as already provided in this act.

Alderman shall continue in office.

Approved June 2, 1897.

[No. 476.]

AN ACT to amend section forty-four of chapter eleven, of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three, as amended by act number four hundred sixty-three of the session laws of eighteen hundred ninety-five.

SECTION 1. *The People of the State of Michigan enact*, That section forty-four of chapter eleven, as amended by act number four hundred sixty-three, of the session laws of eighteen hundred ninety-five of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three, be amended so as to read as follows:

Section amended.

SEC. 44. The assessment roll provided for in section thirty-seven of this chapter shall be made by the board of assessors in four parts, each part to contain a list of the lots or parcels mentioned in said section, with the names of the owners or occupants of each lot or parcel, and one-quarter of the assessment for the cost and expense of the work shall be assessed upon each lot or parcel. Such parts of the assessment roll shall be numbered one, two, three and four respectively. After said assessment shall have been confirmed, and the roll delivered to the receiver of taxes, he shall cause notice of said assessment to be printed in two of the newspapers published in said city once in each week for three successive weeks, and part one, of said assessment shall become due and payable, in thirty days from the first publication of said notice, and parts two, three and four, shall become due and payable in

Assessment roll to be divided into four parts.

Notice to be published.

Amount of assessment may be paid at one time.

Assessments to defray expenses of taxing property, etc., how made.

Board may contract for repairing asphalt pavements.

Contracts for repaving.

one, two and three years respectively, from the date of said first publication. Any person may pay the amount of the assessment in parts one, two, three and four, or either of them, at any time, within thirty days from said date of said publication without interest, but if the same shall not be paid within said thirty days then the said parts remaining unpaid, shall be payable, with interest at the rate of seven per cent from the date of confirmation of said assessment, until the same shall be paid. If the amount mentioned in part one, shall not be paid within said thirty days, a penalty of five per cent in addition to the interest shall be added thereto, and a like penalty of five per cent, in addition to said interest shall be added to each of the other parts if not paid when the same shall become due as aforesaid. Assessment rolls made under the laws of this State for assessments to defray the expense of the taking of any property or damages to any property taken for the public use, for the opening and extending of highways, or for other public purposes or for damages to any property occasioned by any public improvement of any kind shall be made in one or more parts as the common council may direct and shall become due and payable at such time as the common council shall by resolution provide, and like interest shall be added thereto, and like penalties in case of non-payment shall be imposed and added thereto in the same manner as is herein provided for assessments for street paving, and such interest and penalties shall be payable and be collected with the part or parts to which the same may be added. Assessments heretofore made shall be collected as provided by the laws in force at the time of the enactment hereof. The interest and penalties herein provided to be paid, shall be credited to the fund for which the assessment is made. The board of public works, may with the approval of the common council contract with the lowest responsible bidder for a period of not exceeding five years, for the repairing and care of the asphalt pavements according to specifications adopted by said board for that purpose, and in all contracts for paving may provide that the contractor shall keep the pavement in good repair for such period as may be specified in the contract. Contracts for repaving may be made at any time after the common council and board of estimates have determined the amount of money which shall be raised for the next fiscal year; such work to be paid for from the tax for the repaving fund of the next fiscal year or from moneys which may be borrowed in anticipation of the collection of such tax.

This act is ordered to take immediate effect.

Approved June 2, 1897.

[No. 477.]

AN ACT to amend section twenty-eight of an act entitled "An act to amend the laws relative to supplying the city of Detroit with pure and wholesome water," approved February fourteenth, eighteen hundred and fifty-three, being act number ninety of the acts of eighteen hundred and fifty-three, as amended by the various acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-eight of an act entitled "An act to amend the laws relative to [supplying] the city of Detroit with pure and wholesome water," approved February fourteenth, eighteen hundred and fifty-three, being act number ninety of the acts of eighteen hundred and fifty-three, as amended by the various acts amendatory thereof, be and the same is hereby amended so as to read as follows:

SEC. 28. The board of water commissioners of the city of Detroit, in addition to all other powers conferred upon them may make rules and regulations as to extension of new water pipes and mains, the size and location thereof, and the material and manner in which they shall be constructed. Whenever, in the judgment of said commissioners, it shall be necessary to lay and construct water pipes and mains in and through streets and alleys in which no water pipes and mains now are laid, it shall be the duty of said commissioners to declare by resolution that in their opinion such necessity exists, specifying in such resolution the streets or alleys through which it is proposed to extend or lay such pipes, and the size, material and estimated cost thereof. Such resolution shall fix a time and place when said commissioners will hear any persons desiring to object to such proposed construction and extension of such water pipes and mains. Said commissioners shall cause notice to be published in one or more daily papers printed in the English language in said city for at least five days prior to said time fixed for hearing said matter that it is proposed to levy an assessment upon the land or lands abutting the street or alley through which it is proposed to lay and construct such pipes and mains, for the cost thereof. At the time fixed for such hearing, or at such time to which the same may be adjourned, such commissioners shall attend for the purpose of hearing and deciding upon objections thereto, and if no sufficient cause to the contrary be shown, the said commissioners may cause the said water pipes and mains to be laid and constructed as set forth in said resolution, and an accurate account shall be kept of the cost thereof. When the work of laying and constructing such pipes and mains is fully completed and performed, the said commissioners shall

Section amended.

Board of commissioners may make rules and regulations.

Time and place for hearing objections.

Report completion and cost to council.

report the completion thereof to the common council and shall at the same time report the cost thereof. Upon receiving such report, it shall be the duty of the common council to cause the sum so reported to be assessed upon the lot abutting the street or alley through which said water pipes and mains have been laid, in proportion to the frontage of such lot or lots: *Provided*, That no lot shall be assessed on more than one front, and where such pipes and mains are constructed across more than one front of a lot, only the shortest front shall be estimated in making the assessment: *And provided further*, That no lot or lots shall be assessed for a [larger] large sum than its proportionate share for laying and constructing a pipe or main six inches in diameter, and that whenever it shall have been necessary in the judgment of said commissioners to lay and construct pipes and mains of a larger size than six inches in diameter through the whole or any part of such proposed extension, then said commissioners shall determine the cost and expense of laying and constructing pipes and mains six inches in diameter, and such sum shall be reported to the common council for assessment in lieu of the actual cost of such larger pipes and mains. Property already supplied with water shall not be assessed for water mains and pipes [hereafter] heretofore laid, nor shall property once assessed for water pipes and mains under this act be liable for any additional or further assessments therefor. The sums so reported as aforesaid shall be levied and collected by the same officers that levy and collect assessments for the construction and building of lateral sewers, and in such manner as the common council may by ordinance prescribe. The assessment roll for such assessments shall be made in three parts, each part to contain a list of the lots or parcels of land to be assessed as provided herein with the names of the owners or occupants of each lot or parcel and one-third of the total amount to be assessed upon each lot or parcel shall be set forth in each part. Such parts of the assessment roll shall be numbered one, two and three respectively and the amounts assessed therein shall be due and payable as follows: Part one, thirty days after the work for which the assessment is levied is completed and accepted; part two shall be due and payable one year after part one is due and payable, and part three shall be due and payable in two years after part one is due and payable: *Provided, however*, There shall be added to said parts two and three in addition to the sum levied and assessed therein, interest at the rate of six per cent per annum from and after the time part one is due and payable: *And provided further*, That in the event of the portion of said assessment designated as part one not being paid on or before the time the same shall become due, that there shall be added to such part one a penalty of five per cent of the amount of such part

Cause sum to be assessed.

Proviso.

Property supplied not to be assessed.

Collected as council may prescribe.

Provisos.

or portion and that in the event of either such parts two or three with interest as above stated not being paid on or before the time when they shall respectively fall due, there shall be added to [each] such part or portion so remaining unpaid, a like penalty of five per cent of the amount of such parts or portions, with interest, so remaining unpaid. Any person so electing may pay the total amount included in said three parts without any addition thereto for interest or penalties at the time when part one is payable. Assessments so levied shall be a lien on said lands until paid, and in default of payment, the lot or lots assessed may be sold therefor in the same manner as now provided by law for sale of land for unpaid special assessments. The moneys received from [collections] collection of such assessments and the sale of lands therefor shall be credited to the funds of said board of water commissioners and paid over in the same manner as other moneys belonging to them, and when received by said commissioners, shall be credited to the fund from which the cost and expense of laying and constructing the said pipes and mains has been paid.

Lien on lands.

Approved June 2, 1897.

[No. 478.]

AN ACT to amend section thirteen of chapter seven of an act, entitled "An act to provide for a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three, as amended by an act approved June second, eighteen hundred and eighty-seven.

SECTION 1. *The People of the State of Michigan enact*, That section thirteen of chapter seven of an act entitled "An act to provide for a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three, as amended by an act approved June second, eighteen hundred and eighty-seven, be and the same is hereby amended so as to read as follows:

Section amended.

SEC. 13. Every ordinance, resolution or proceeding of the common council imposing taxes or assessments, or originating the expenditure or disposal of money or property, or whereby the corporation, or any board of officers under this act may incur any debt or liability, except resolutions making appointments to or removal from office and except ordinances and resolutions for the fixing of the annual estimates and salaries,

Ordinances, resolution, etc., involving expenditure of money, to be submitted to councilman.

Approval, etc.,
by mayor.

and for payment of debts and liabilities previously and lawfully contracted, before it takes effect, shall be presented by the clerk to the mayor; if the mayor approve thereof he shall write thereupon his approval, with the date thereof, and sign the same, and thereupon such ordinance, resolution or proceeding shall go into effect; and such as he shall not so approve and sign he shall return to the common council, with his objections thereto in writing, under cover, sealed and addressed to said board.

Approved June 2, 1897.

[No. 479.]

AN ACT to amend section five of chapter five of an act, entitled "An act to provide for a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section five of chapter five of an act, entitled "An act to provide for a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three, be and the same is hereby amended so as to read as follows:

Powers and
duties of, cor-
poration
council

SEC. 5. The corporation counsel shall appear in and conduct all suits, prosecutions and proceedings in the recorder's court, to which the city of Detroit is a party, to the end thereof, subject to the rules and practice of said court, and if the same be removed to any other tribunal, by writ of error, *habeas corpus*, or otherwise, he shall conduct the case before such tribunal.

This act is ordered to take immediate effect.

Approved June 2, 1897.

CERTIFICATE

STATE OF MICHIGAN, } ss.
Department of State,

I, Jos. W. Selden, Deputy Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the Legislature of eighteen hundred and ninety-seven was on the thirty-first day of May in the year of our Lord one thousand eight hundred and ninety-seven.

[L. S.] IN WITNESS WHEREOF I have hereunto set my hand and caused the great seal of the State of Michigan to be affixed this thirty-first day of July, A. D. one thousand eight hundred and ninety-seven.

JOS. W. SELDEN,
Deputy Secretary of State.

APPENDIX

CONTAINING

Certified Statements of Boards of Supervisors

RELATIVE TO THE

ERECTION AND CHANGE OF BOUNDARIES OF TOWNSHIPS.

APPENDIX

CLARE COUNTY.

In the matter of the application of certain freeholders of Surry township, for the organization of a new township, to be known as the township of Garfield.

HARRISON, MICH., Oct. 16, 1896.

The board met pursuant to adjournment and was called to order by the chairman.

A quorum present.

Mr. Kelly presented a petition of certain freeholders of the township of Surry for the erection of a new township to be composed of town seventeen north, range six west, and to be known and designated as the township of Garfield.

Mr. Rorison moved that the petition be accepted and the prayer of the petitioners granted, and that the new township be set off as prayed for.

Which motion prevailed by yeas and nays as follows:

Yeas—Messrs. Boulter, Boyd, Fishiey, Fleming, Hampton, Hughes, Popple, Richardson, Rorison, Sunday, Temple, Toman, Van Benschoten, Welch, Wilson—15.

Nays—None.

Mr. Kelly offered the following resolution:

Resolved, That the new township set apart from Surry township, viz: town seventeen (17) north, range six (6) west, and named Garfield; the annual township meeting shall be held in the hotel of S. E. Graham, situated on section twenty-three (23), in said township, on the ninth day of November, 1896, and that the following named persons shall be named as the electors to preside at said election, viz: Dresden Bryan, Gross, Babcock, and A. J. Templeton.

On motion of Mr. Hughes, the same was adopted.

On motion of Mr. Boyd, Mr. Dresden Bryan, was appointed to post notices of the first election to be held in said new township.

STATE OF MICHIGAN, }
County of Clare, } ss.

To the Honorable Board of Supervisors of Clare County:

GENTLEMEN—We, the undersigned, free-holders of the township of Surry, in said county, respectfully petition your honorable body to erect

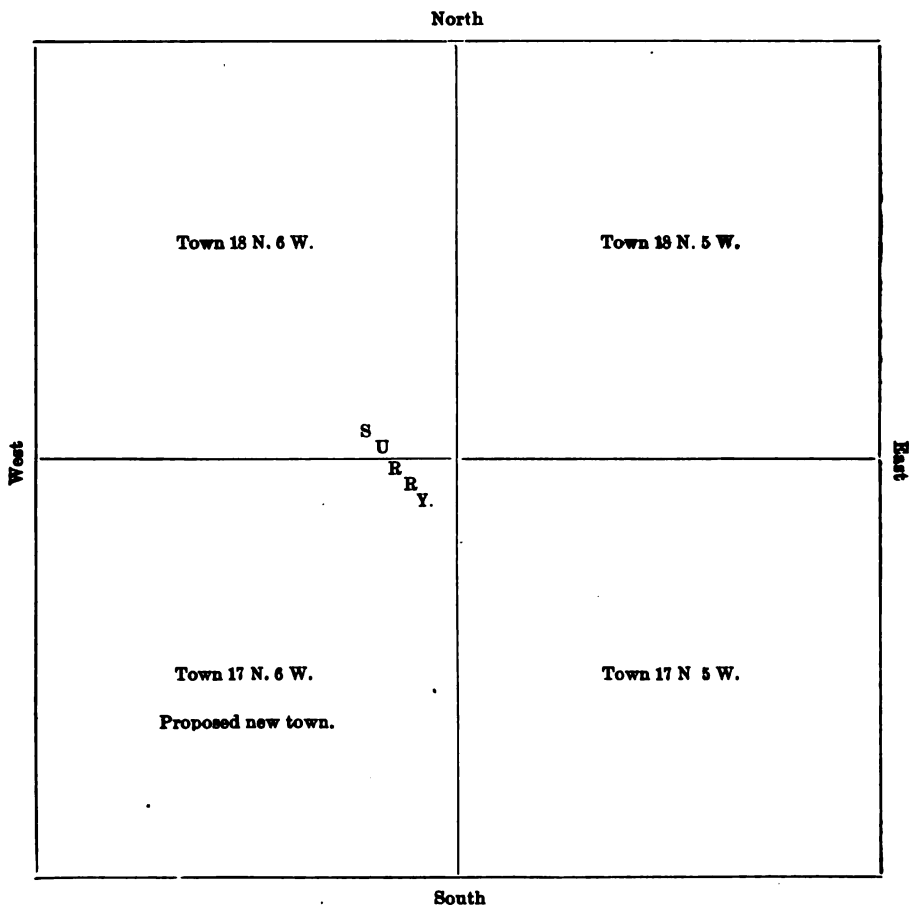
a new township in said county, to be composed of township seventeen (17) north, range six (6) west, and to be known and designated as the township of Garfield.

We also beg to submit the annexed map, showing territory to be affected by said proposed change. And your petitioners will ever pray.

Names of free-holders of Surry township, other than 17 north, 6 west—Chas. H. Sanborn, James A. Austin, Samuel McGoogan, David Mcaninch, Richard Meade, Peter Babcock, John Tideman, O. W. Case, A. M. Sar-ringer, N. D. Watkins, A. C. Shekell, E. White, Louis L. Kelly, M. D.

Names of free-holders of the proposed new township: E. Koerber, Alfred Tryon, Jerome Stevens, Thos. Maltby, W. G. Morehouse, Chas. Peek, A. M. Boucher, John W. Penney, S. E. Graham, John O'Man, O. Schermerhorn, Chas. Peterson, Samuel Schermerhorn, L. F. Schermerhorn, Dresden Bryan, Alfred Tryon, Jr., A. Bassett, Geoge Babcock.

The following map shows the township of Surry, which is composed of four towns, viz: 18-5, 18-6, 17-5, and 17-6, being the southwest township of Surry, and also the southwest township in the county.



STATE OF MICHIGAN, }
County of Clare, } ss.

To the Honorable Board of Supervisors of Clare County:

GENTLEMEN—We, the undersigned free holders of the township of Surry, in said county, hearing there was a remonstrance against the setting off of town seventeen (17) north of range six (6) west, to be known and designated as the township of Garfield, wishing to add our names in favor of erecting the new township and against the remonstrance, do petition your honorable body in this form.

Freeholders of the proposed new township: H. P. Patnock, A. S. Retan, J. C. Brown, Frank Anderson, W. B. Chase, Frank Gilman, Marcus O'Mare, R. Carson.

STATE OF MICHIGAN, }
County of Clare, } ss.

Marvin J. Follatt being duly sworn, deposes and says that he is publisher of the Clare County Cleaver, a public newspaper, printed and published in the city of Harrison, in said county, that the annexed printed notice of application for erection of a new township was duly printed and published for four (4) successive weeks in said paper, at least once in each week, commencing on the 18th day of September, A. D. 1896, and ending on the 16th day of October, A. D. 1896.

MARVIN J. FOLLETT,

Subscribed and sworn to before me this 16th day of October, A. D. 1896.

JOHN QUINN,
Notary Public.

STATE OF MICHIGAN, }
County of Clare, } ss.

I, Henry Heisman, clerk of said county and of the circuit court thereof, a court of record, do hereby certify that I have compared the foregoing copy of record of the board of supervisors of said county in the matter of the organization of a new township to be known as the township of Garfield, with the original record thereof now remaining in the office of the county clerk of said county, and have found the same to be a correct transcript therefrom, and the whole of such original record.

In testimony whereof I have hereunto set my hand and affixed the
[L. s] seal of said court at Harrison, this 19th day of October, A. D. 1896.

HENRY HEISMAN,
Clerk.

EMMET COUNTY.

In the matter of the application of certain freeholders of the townships of Friendship and Little Traverse in the county of Emmet, for detaching certain territory from said townships, and erecting a new township to be known as the township of West Traverse.

STATE OF MICHIGAN, } ss.
County of Emmet, }

January 8, 1897.

Board of supervisors of the county of Emmet met pursuant to adjournment, called to order by the chairman. Roll called by the clerk; quorum was present. Journal of yesterday's proceedings read and approved.

Moved and supported that the petitions for the organizing of townships be taken up and acted on as presented,

Which motion prevailed.

To the Honorable the Board of Supervisors of the County of Emmet and State of Michigan:

The special committee to whom was referred the petition of the freeholders of the township of Friendship: Joseph Sterley, H. Kingman, J. R. Stutsman, H. A. Scalf, C. Pontius, Charles Bartlett, L. A. King, Geo. E. D. Cook, F. M. Goltry, H. F. Wellman, Jake Noss, George Louis, George Boynton, Peter Pace, Fred Ward, George Smith, A. D. Angell, O. M. Cole, and the freeholders of the township of Little Traverse: Sidney Jones, Orville P. Rose, William E. Shaffer, J. Q. Lindsley, A. R. Stutsman, Thos. Kneale, Jas. Caskey, Jr., John Cassell, Ben Campbell, A. Lawrason, E. D. Babcock, O. S. Richardson, John Quick, J. C. Jacobs, J. B. Lightfoot, Frank Bartlett, F. Wagley, Mat Devitt, Nicholas Therry, O. P. Sexton, A. Gilbault, H. Eastman, W. B. Sigsby, for the erection of a new township.

WHEREAS, It appearing to the board of supervisors that application has been made and notices thereof have been signed, posted up, and published as in manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, to-wit: the following described territory be detached from the township of Friendship, to-wit: Fractional section thirty-one, fractional section thirty-two, section thirty-three, section thirty-four, section thirty-five, and section thirty-six, in township thirty-six (36) north of range six west. And the following described territory be detached from the township of Little Traverse, to-wit: All of township thirty-five north of range six west, not included within the incorporate limits of the village of Harbor Springs. And that said described territory may be erected and organized into a new township to be called the township of West Traverse.

And the board further order and enact, that the first township meeting thereof shall be held at the school house, in school district number five, in said territory, on the first Monday of April, 1897, and that James L. Morris, Orville P. Rose and Fred Ward, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting,

appoint a clerk, open and keep the polls, and execute the same powers as the inspectors of election at every township meeting as the law provides.

To the Honorable the Board of Supervisors of the County of Emmet and State of Michigan:

Your committee to whom was referred the petition of a number of freeholders of the townships of Little Traverse and Friendship, for the erection and organization of a new township of West Traverse, as per map and profile herewith submitted with said petition, would respectfully report that they find the petition and notice of same legal and regular, and we further recommend that the prayer of petitioners be granted. All of which is respectfully submitted.

(Signed) HENRY BULL.
WM. KILPATRICK.
NELSON BENNETT.

Moved and supported that the board of supervisors of Emmet county erect the township of West Traverse according to the prayer of the petitioners. Yeas and nays were called.

Yeas—Messrs. Shepard, Kilpatrick, Bennett, Morris, Walker, Carmien, Ormsby, Babcock, Detwiler, Linehan, Copeland, Kilborn—12.

Nays—Messrs. Carlton, Rose, Clarke, Everett, Bull, and Crawford—6.
The chairman declared the motion carried.

STATE OF MICHIGAN, } ss.
County of Emmet, }

I, G. W. Dickinson, clerk of the circuit court for said county, do hereby certify that the above and foregoing is a true and compared copy of an original record of the action of the board of supervisors of Emmet county in erecting the township of West Traverse now on record in the office of the clerk of said county and court, and the whole of such original record.

In testimony whereof I have hereunto set my hand and affixed the
[L. s.] seal of the said court at the village of Harbor Springs this
26th day of January, A. D. 1897.

G. W. DICKINSON,
County Clerk.

In the matter of the application of certain freeholders of the townships of Spring Lake and Bear Creek in the county of Emmet, for detaching certain territory from said townships, and erecting a new township to be known as the township of Bear Creek; also attaching certain territory to the township of Resort.

STATE OF MICHIGAN, } ss.
County of Emmet, }

January 8, 1897.

Board of supervisors of the county of Emmet met pursuant to adjournment, Called to order by the chairman. Roll called by the clerk; quorum was present. Journal of yesterday's proceedings read and approved.

Moved and supported that the petitions for organizing of townships be taken up and acted on as presented,
Which motion prevailed.

To the Honorable the Board of Supervisors of the County of Emmet and State of Michigan:

The special committee to whom was referred the petition of the freeholders of the township of Spring Lake: John Gennuill, J. A. Badour, John Steinmety, Will G. Kilburn, W. O. Wheeler, Elmer Teegarden, Frank Hawkins, Henry Teegarden, Edward Blanch, William Covyon, Lewis Ketchledge, William Gallop, and others; and the freeholders of the township of Bear Creek: L. Burt Cole, C. B. Randall, F. H. Cassada, Charles Nadosky, J. Z. Davis, E. A. Botsford, Charles McDougall, Wm. B. Wright, L. G. Joslin, Ed Williams, Henry Bacon, Chris Engel, and others, for the erection of a new township.

WHEREAS, It appearing to said board of supervisors that application has been made and that notices thereof have been signed, posted up, and published as in manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, to-wit: The following described territory be detached from the townships of Spring Lake and Bear Creek, to-wit: All of town thirty-four, north of range five west, not included in the corporate limits of Petoskey City, and that part of town thirty-five north of range five west, that now forms a part of the township of Bear Creek and Spring Lake, and erected and organized into a new township to be called the township of Bear Creek.

And the board further order and enact, that the first township meeting thereof shall be held at the school house on section ten, town thirty-four, north of range five west, on the first Monday of April, 1897, and that William Atkin, Frank Cassada and Daniel Herrington, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and execute the same powers as the inspectors of election at every township meeting as the law provides.

And further, we would recommend that the balance of the township of Bear Creek, composed of the north half of town thirty-four north range six west, and that territory lying south of it and between the two arms of Walloon, or Bear Lake, so-called, be changed to "Resort."

And the board further order and enact, that the first township meeting thereof shall be held at the grounds of the Petoskey Driving Park Association, on the first Monday in April, 1897.

To the Honorable the Board of Supervisors of the County of Emmet and State of Michigan:

Your committee to whom was referred the petition of a number of freeholders of the townships of Spring Lake and Bear Creek, for the erection and organization of a new township of Bear Creek, as per map and profile herewith submitted with said petition, would respectfully report that they find the petition and notice of same legal and regular, and we further recommend that the prayer of petitioners be granted. All of which is respectfully submitted.

(Signed) HENRY BULL
WM. KILPATRICK.
NELSON BENNETT.

Moved and supported that the board of supervisors of Emmet county erect the township of Bear Creek according to the prayer of the petitioners. Yeas and nays were called.

Yeas—Messrs. Shepard, Kilpatrick, Carlton, Bennett, Morris, Walker, Ormsby, Babcock, Detweller, Kilborn, Rose, Clarke, Everett, Bull, and Crawford—15.

Nays—Messrs. Carmein, Linehan, and Copeland—3.

The chairman declared the motion carried.

Moved and supported that the balance of the township of Bear Creek composed of the north half of town 34 north range 6 west and that territory lying south of it and between the two arms of Walloon or Bear Lake, so-called, be changed to Resort.

And the board further order and enact, that the first township meeting thereof shall be held at the grounds of the Petoskey Driving Park Association, on the first Monday in April, 1897,

Which motion prevailed.

STATE OF MICHIGAN, }
County of Emmet, } ss.

I, G. W. Dickinson, clerk of the circuit court for said county, do hereby certify that the above and foregoing is a true and compared copy of an original record of the action of the board of supervisors of Emmet county in erecting the townships of Bear Creek and Resort now on record in the office of the clerk of said county and court, and the whole of such original record.

In testimony whereof I have hereunto set my hand and affixed the [L. s.] seal of the said court at the village of Harbor Springs, this 26th day of January, A. D. 1897.

G. W. DICKINSON,
County Clerk.

In the matter of the application of certain freeholders of the townships of Littlefield and Spring Lake in the county of Emmet, for detaching certain territory from said townships, and erecting a new township to be known as the township of Springvale.

STATE OF MICHIGAN, }
County of Emmet, } ss.

January 8, 1897.

Board of supervisors of the county of Emmet met pursuant to adjournment; called to order by the chairman. Roll called by the clerk; quorum was present. Journal of yesterday's proceedings read and approved.

Moved and supported that the petitions for the organizing of townships be taken up and acted on as presented,

Which motion prevailed.

To the Honorable the Board of Supervisors of the County of Emmet and State of Michigan:

The special committee to whom was referred the petition of the freeholders of the township of Littlefield: Phil S. Jacobs, J. W. Bailey, Ed Cross, E. E. Macomber, H. C. McPhee, M. S. Sabins, F. B. Tripp,

Edwin Scott, D. B. Wells, M. M. Kellam, Charlie Soule, Milo E. Ruggles, C. Bonz, J. M. Cramee, D. S. Stears, George Reed, John P. Williams, S. J. Fleming, C. W. Griffin, Fred Barney, Otto Barney, Thomas French, A. D. Bayer, W. Scott, S. A. Pangborn, J. C. Gish, E. W. Jones, Geo. H. Fox, J. M. Vermillion, F. M. Joslin, Wm. C. Ebling, Dell E. Pangborn, C. R. Sheldon, L. Connell, G. Hicks, J. B. Smith, D. J. Moose, Gilbert Hicks, Perry D. Lile, George G. Hughes, Earl Bugbee, Harry Hull, C. N. Shaw, E. H. Pope, A. H. Pope, H. Olson, George H. Ruggles, O. C. Cope, Wm. T. Powell, Charley Kingman, Jasper Pamer, Joel E. Gray, Ernie D. Whitman, Wm. L. Decker, Jeremiah J. Shatto, Mark McConnell, Stephen Moser, Wm. D. Purchis, H. D. Tallady, Charles A. Johnson, John S. Wormell, Grant H. David, H. Williams, Hugh Clemons, Abraham Hoover, H. U. Moser, O. C. Dumbleton, G. E. Merrill, J. C. Smith, E. R. McFarland, Fred Hoover, Hiram Elsworth, C. J. Bentley, Wm. E. Blanchard, G. W. Drake, George Birdsall, Horton Elsworth, Frank I. Drake, O. Curtiss, Wm. H. Lyons, Nelson Curtiss, Frederick A. Sheldon, Irving H. Hassett, John Willson, Elmer Gray, John Dell, William Brainard, Wm. Moyer, W. M. Williams, James E. Hyatt, Ernest J. Hyatt, John Redford, B. M. Kesler, George D. Frye, Edwin Boice, Frank Blanchard, E. S. Moser, Leo Lyons, Wm. Lyons, Jr., E. Lyons, Eli Gray, Ray Gray, F. Bush, Frank Riley, Henry Fike, Joseph Hancock, B. Adams; and of the freeholders of the west one-half of the township of Spring Lake: John Steinmety, Daniel Herrington, John Gemmille, Jay Standish, Amos Hawkins, Frank Covyoun, Edward Blanch, Andrew Yell, Elmer C. Teegarden, Henry Teegarden, W. O. Wheeler, Charles Hankins, Frank Hankins, William W. Gallop; and of the freeholders of the east one-half of the township of Spring Lake: Arthur D. Sanborn, Horace H. Pike, Hugh McMiller, Frank Frye, N. J. Newsome, Joseph Todd, C. Levering, Wilson Tyrrell, John Reynolds, Elmer Small, Alfred Hopper, Frank Hopper, L. B. Frye, George Frye, C. E. Vansickle, George M. Frederickson, for the erection of a new township.

WHEREAS, It appearing to the board of supervisors that application has been made and that notices thereof have been signed, posted up, and published as in manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, to-wit: the following described territory be detached from the townships of Littlefield and Spring Lake, to-wit: Sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six in township thirty-four, north of range four west, also sections thirty-six, thirty-five, thirty-four, thirty-three, thirty-two, thirty-one, thirty, twenty-nine, twenty-eight and that part of sections twenty-seven and twenty-six south of Pickerel Lake, and that part of section nineteen south of Crooked Lake, together with all other lands in township thirty-five, north of range four west, lying south of Crooked and Pickerel Lakes, and Pickerel Lake channel, all of the above described lands being and situate in townships thirty-four and thirty-five north of range four west, and erected and organized into a new township to be called the township of Springvale.

And the board further order and enact, that the first township meeting thereof shall be held at the Epsilon postoffice, in section four, town thirty-four, north of range four west, on the first Monday in April, 1897, and that William L. Decker, M. J. Newsome and H. D. Talladay, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and execute the same powers as the inspectors of election at every township meeting as the law provides.

To the Honorable the Board of Supervisors of the County of Emmet and State of Michigan:

Your committee to whom was referred the petition of a number of freeholders of the townships of Littlefield and Spring Lake, for the erection and organization of a new township of Springvale, as per map and profile herewith submitted with said petition, would respectfully report that they find the petition and notice of same legal and regular, and we further recommend that the prayer of petitioners be granted. All of which is respectfully submitted.

(Signed) HENRY BULL.
WM. KILPATRICK.
NELSON BENNETT.

Moved and supported that the board of supervisors of Emmet county erect the township of Springvale according to the prayer of the petitioners. Yeas and nays were called.

Yeas—Messrs. Shepard, Kilpatrick, Carlton, Bennett, Walker, Babcock, Kilborn, Rose, Everett, Bull, and Crawford—11.

Nays—Messrs. Morris, Carmein, Ormsby, Detwiller, Linehan, Copeland, and Clarke—7.

The chairman declared the motion carried.

STATE OF MICHIGAN, }
County of Emmet, } ss.

I, G. W. Dickinson, clerk of the circuit court for said county, do hereby certify that the above and foregoing is a true and compared copy of an original record of the action of the board of supervisors of Emmet county in erecting the township of Springvale now on record in the office of the clerk of said county and court, and the whole of such original record.

In testimony whereof I have hereunto set my hand and affixed the
[L. s.] seal of the said court at the village of Harbor Springs, this
26th day of January, A. D. 1897.

G. W. DICKINSON,
County Clerk.

LEELANAU COUNTY.

In the matter of attaching certain unorganized territory to the townships of Leland, Glen Arbor and Leelanau.

At a session of the board of supervisors of Leelanau county, Mich., held at Leland on the 15th day of October, 1897, the following business was transacted:

Mr. Trumbull, for the committee on townships and villages, read the following report:

To the Honorable Board of Supervisors, Leelanau County:

Your committee on townships and villages recommend that the unorganized territory of this county be attached as follows:

North Manitou Island be attached to Leland township, South Manitou Island be attached to Glen Arbor township and the North and South Fox Islands be attached to Leelanau township, to take effect on the 27th day of March, A. D. 1898.

JOHN E. TRUMBULL,
WM. SULLIVAN,
HOWARD A. KEHL,
Committee.

On motion of Mr. Fritz the report of the committee was accepted and adopted.

Mr. Kehl offered the following resolution:

Resolved, That unorganized territory formerly a part of the late Manitou county attached to Leelanau county be attached to the different townships of this county for judicial and municipal purposes as follows, to-wit:

The North Manitou Island to be attached to the township of Leland, the South Manitou Island to be attached to the township of Glen Arbor and the North and South Fox Islands to be attached to the township of Leelanau, this resolution to take effect and be operative on and after the 27th day of March, 1898.

The above resolution was unanimously adopted.

Z. E. HINSHAW, *Clerk.* S. C. GARTHE, *Chairman.*

STATE OF MICHIGAN, }
County of Leelanau, } ss.

I, Z. E. Hinshaw, clerk of the said county of Leelanau and of the circuit court and clerk of the board of supervisors thereof, do hereby certify that the above is a true and complete transcript of the proceedings of the board of supervisors, as I have compared the same with the original record now on file and remaining in my office, and that it is the whole thereof of such original record.

In witness whereof I have set my hand and affixed the seal of said [L. S.] circuit court of the said county of Leelanau this 26th day of October, 1897.

Z. E. HINSHAW,
County Clerk.

ONTONAGON COUNTY.

In the matter of the application of certain freeholders for the erection and organization of a new township, to be known as the township of Matchwood.

STATE OF MICHIGAN, }
County of Ontonagon, } ss.

At the annual meeting of the board of supervisors of Ontonagon county, continued and held at the court house in the village of Ontonagon, on Thursday, the fourteenth day of October, A. D. 1897.

Supervisors present: Messrs. James Corgan, chairman, Ontonagon village; John E. Hubbell, Bohemian township; Joseph Bigge, Carp Lake township; James T. Bond, Greenland township; Frank J. McLaughlin, Interior township; John Garvin, McMillan township; Joseph H. Haight, Ontonagon township; Henry Miller, Rockland township.

The meeting was called to order by Mr. Corgan, chairman.

WHEREAS, An application has been duly made to the board of supervisors of the county of Ontonagon by John Laird, Jerome Brown, Anna Stindt, Mary Connors, Margret Motherway, Chas. Gerber, Hugh McQuarrie, Frank Heinz, Valentine Schumaker, Jno. Hawley, Mike McGuire, Robert Mooney, W. R. Adams, R. E. Stephenson, George W. Schoch, Joseph Bigge, H. M. Powers, Pat Connors, and Frank Zemke, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby, for the erection and organization into a new township of the territory hereinafter described; and the said board having been furnished with a map of all the townships to be affected thereby; and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be thereby affected, has been duly posted up and published in the manner and during the time required by law; and it also appearing to said board, upon consideration thereof, that the said application ought to be granted;

Thereupon it is ordered and determined by the said board that the territory described as follows, to-wit: Township forty-eight (48) north of range forty-one (41) west, township forty-eight (48) north of range forty-two (42) west, township forty-eight (48) north of range forty-three (43) west, township forty-nine (49) north of range forty-one (41) west, township forty-nine (49) north of range forty-two (42) west, township forty-nine (49) north of range forty-three (43) west, be, and the same is hereby erected and organized into a new township, to be called and known as the township of Matchwood; that the first annual township meeting therein shall be held at the Diamond Match company's office in the village of Matchwood, on Monday the 15th day of November next, and John Laird, Patrick Connors and Rudolph Stindt, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State, and said above last named

persons shall also constitute a board of registration of such township on said first election, to meet at the office of the said Diamond Match company the Saturday preceding said election, and that John Laird post the notices of the time and place of holding said meetings.

Adopted by yeas and nays, a majority of all the members elect voting therefor, to-wit:

Yeas—Messrs. John E. Hubbell, Joseph Bigge, James T. Bond, Frank J. McLaughlin, John Garvin and Henry Miller.

Nays—Messrs. James Corgan and Joseph H. Haight.

There being no further business, on motion the board adjourned until Monday, the 13th day of December, A. D. 1897.

STATE OF MICHIGAN, }
County of Ontonagon, } ss.

I, M. A. Powers, clerk of said county and of the board of supervisors thereof, do hereby certify that the foregoing is a true and correct copy compared by me, of a resolution passed and adopted by said board of supervisors, on the 14th day of October, A. D. 1897, and the whole of such resolution.

In testimony whereof, I have hereunto set my hand and affixed the
[L. s.] seal of the circuit court of said county at Ontonagon, this
14th day of October, A. D. 1897.

M. A. POWERS,
Clerk.

SCHOOLCRAFT COUNTY.

In the matter of the application of certain freeholders to detach certain territory from the township of Harrison and attach the same to the township of Inwood.

Dated November 10, 1897.

Notice of application for division of township.

To Whom it May Concern:

Notice is hereby given by the undersigned freeholders of the townships of Inwood and Harrison in the county of Schoolcraft, State of Michigan, that application will be made to the board of supervisors of said county at their next meeting to be held at the court house in Manistique on the 14th day of December, A. D. 1897, that the following described territory, to-wit: All of town forty-two (42) north of range seventeen (17) west, the west half ($\frac{1}{2}$) of town forty-three (43) north of range seventeen (17) west, the west half ($\frac{1}{2}$) of town forty-four (44) north of range seventeen (17) west, all of town forty-four (44) north of range eighteen (18) west, and all of town forty-five (45) north of range eighteen (18) west, be detached from the said township of Harrison and added to the said township of Inwood.

Freeholders of Inwood township: 1, D. Roxbury; 2, A. F. Congdon; 3, Geo. Bishop; 4, Alphonse Robert; 5, Henry Lamere; 6, John C. Messenger; 7, Joseph Gibbs; 8, J. P. Huebscher; 9, Herman Winkle; 10, John Michand; 11, Wm. Rivers; 12, E. A. Tighe; 13, Dominick Poupour; 14, John F. Black; 15, M. H. Lyman; 16, Thomas O'Brien, Sr.; 17, Norman McDonald.

Freeholders of Harrison township: 1, W. H. Hutt; 2, Frank Hutt; 3, Abe Hughes; 4, Call. Blush; 5, Richard Egan; 6, George W. Foote; 7, Wm. Fox; 8, A. L. Gaynor; 9, Richard Wilson; 10, John McKee; 11, Michael Fox; 12, John Beaton; 13, James B. Buckley; 14, Wm. Foote.

STATE OF MICHIGAN, }
County of Schoolcraft, } ss.

Henry Lamere being duly sworn deposes and says that on the 12th day of November, A. D. 1897, he posted up true copies of the notice hereto annexed in five of the most public places in each of the townships to be affected thereby, as follows, to-wit: One at the Chicago Lumber company's pull-up in town forty-three (43) north of range seventeen (17) west, one on the S. E. Corner of section thirty-six in town forty-four (44) north of range eighteen (18) west (known as the Abe Hughes corner), one on the Murphy creek bridge in town forty-three (43) north of range seventeen (17) west, one on the building heretofore known as the Hall & Buell store in South Manistique and one on the depot at South Manistique, all in the township of Harrison, Schoolcraft county. One on school No. 1, one on the Eagle hotel, one on the store of Gibbs & Sons, one at the postoffice in Cooks and one at the public well at the Cleveland Cliff Iron company's camp, all in the township of Inwood.

And this deponent further says that he has caused a copy of said notice to be published once in each week for four successive weeks immediately preceding the meeting of the board of supervisors at which the application mentioned therein is to be made in the Manistique Courier, a newspaper published in said county of Schoolcraft.

(Signed) HENRY LAMERE.

Subscribed and sworn to before me this 15th day of November, A. D. 1897.

JOHN F. BLACK,
Justice of the Peace.

STATE OF MICHIGAN, }
County of Schoolcraft, } ss.

J. H. MacNaughton being duly sworn, deposes and says that he is the printer and publisher of the Manistique Courier, a newspaper printed and published in the county of Schoolcraft, in said State, that the annexed printed notice has been duly published in said newspaper at least once in each week for five successive weeks, immediately preceding the day of meeting mentioned in said notice, and that the first insertion thereof was on the 12th day of November, 1897, and the last insertion on the 10th day of December, 1897.

J. H. MACNAUGHTON.

Subscribed and sworn to before me, this 14th day of December, A. D. 1897.

VIRGIL I. HIXSON,
Notary Public in and for Schoolcraft County, Mich.

To the Honorable Board of Supervisors for the County of Schoolcraft:

We, the undersigned subscribers, freeholders of the townships of Inwood and Harrison, hereby petition your honorable body to alter the boundary line between the said townships of Inwood and Harrison, as follows: By detaching from the township of Harrison that territory situated in said township of Harrison, described as follows:

All of town forty-two (42) north range seventeen (17) west, west half of town forty-three (43) north range seventeen (17) west, west half of town forty-four (44) north range seventeen (17) west, all of town forty-four (44) north range eighteen (18) west, and all of town forty-five (45) north range eighteen (18) west, Schoolcraft county, Michigan, and attaching all of the above described territory to the township of Inwood.

Dated November 8, A. D. 1897.

Freeholders Inwood township: 1, D. Roxbury; 2, A. F. Congdon; 3, George Bishop; 4, Alphonse Robert; 5, Henry Lamere; 6, John C. Messenger; 7, Joseph Gibbs; 8, J. P. Huebscher; 9, H. Winkel; 10, John Michand; 11, William H. Rivers; 12, E. A. Tighe; Dominick Poupore, John F. Black, Geo. Roberts, M. H. Lyman, Thos. O'Brien, Joseph Wright, Patrick Kohler, Norman McDonald, Maurice O'Brien, David Spielmacher.

Freeholders Harrison township: 1, W. H. Hutt; 2, Frank Hutt; 3, Abe Hughes; 4, Call Blush; 5, Almond Lindsay; 6, Richard Egan; 7, E. C. Tripp; 8, J. W. Tripp; 9, George W. Foote; 10, James B. Buckley; 11, Wm. Foote; 12, Wm. Fox; 13, A. L. Gaynor; 14, Richard Wilson, John McKee, Michael Fox, John Beaton.

At a special meeting of the board of supervisors of the county of Schoolcraft and State of Michigan, held at the court house in the village of Manistique, in said county, on Wednesday, December 15, A. D. 1897.

Roll called and the following supervisors were present and answered to their names: M. H. Quick, Manistique township; B. A. Craver, Harrison township; W. L. Middlebrook, Hiawatha township; W. L. Orr, president of village of Manistique; A. McDougall, Germfask township; Thos. McCann, Seney township; S. J. Bouschor, Thompson township; G. W. Gray, Inwood township, and J. Sweet, Doyle township. Absent—None.

A petition signed by seventeen freeholders of the township of Harrison and twenty-two freeholders of the township of Inwood to detach from the township of Harrison all of township 42 N. R. 17 W., the W. $\frac{1}{2}$ of township 43 N. R. 17 W., the W. $\frac{1}{2}$ of township 44 N. R. 17 W., all of township 44 N. R. 18 W., and all of township 45 N. R. 18 W., and to attach the same to the said township of Inwood, was read and discussed, and on motion of A. McDougall, supported by J. Sweet, the petition was granted by the following vote, viz:

Ayes—Messrs. Gray, Middlebrook, Sweet, McCann, McDougall, Bouschor and Orr.

Nays—Messrs. Quick and Craver.

(Signed) GEO. W. GRAY,
Chairman.

(Countersigned) ED. ASHFORD,
Clerk.

STATE OF MICHIGAN, }
County of Schoolcraft, } ss.

I, Ed. Ashford, clerk of the county of Schoolcraft and clerk of the circuit court of said county, the same being a court of record and having a seal, do hereby certify that I have compared the annexed copy of all files and records pertaining to the alterations of the bounds of Harrison and Inwood townships by the board of supervisors of said county with the original record thereof now remaining in my office, and have found the said copy to be a correct transcript therefrom, and of the whole of such original record.

In testimony whereof, I have hereunto set my hand and affixed
[L. s.] the seal of said circuit court, at Manistique, this 20th day of
December, A. D. 1897.

ED. ASHFORD,
Clerk.

CERTIFIED STATEMENTS OF BOARDS OF SUPERVISORS

RELATIVE TO THE ERECTION AND CHANGE OF BOUNDARIES OF TOWNSHIPS, PRIOR TO 1896, NOT RECEIVED IN THE OFFICE OF SECRETARY OF STATE UNTIL 1896-7.

GLADWIN COUNTY.

In the matter of application of certain freeholders for the organization of a new township to be known as the township of Buckeye.

Court house, village of Cedar, Gladwin county, October 13, 1881.

Board of supervisors met pursuant to adjournment. Roll called; the following members answered to their names: Township of Gladwin, Ephriam C. Diffin; township of Billings, George Freeman; township of Grout, Manuel T. Matthews.

In the matter of the application of certain freeholders for the erection and organization of a new township.

WHEREAS, An application has been duly made to the board of supervisors of the county of Gladwin, by John R. Parker, James Arents, David L. Kecthum, George Brown, John Anderson, Richard Moreland, Asa B. Durkee, W. C. Busch, George D. McGivern, Isaac C. Smallwood, Jacob J. Smith, W. W. Steele, Lewis Smallwood and William J. Parker, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby, for the erection and organization into a new township of the territory hereinafter described, and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by due proof, that a notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be thereby affected has been posted up and published in the manner and during the time required by law, and it also appearing to said board upon consideration thereof, that the said application ought to be granted. Therefore, it is ordered and determined by said board, that the territory described as follows, to-wit: Congressional township eighteen north of range one west, congressional township eighteen north of range one east, and congressional township eighteen north of range two east, be and the same are hereby erected and organized into a new township to be called and known as the township of Buckeye; that the first annual township meeting therein shall be held at the school house in the Smallwood settlement, on Monday, the 3d day of April, A.

D. 1882, and Isaac Smallwood, George McGivern and David Ketchum, three electors of said township are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls and to exercise the same powers as inspectors of any township meeting may exercise under the laws of this State

Mr. Freeman called for yeas and nays upon the question.

Adopted by following vote, to-wit:

Yeas—Supervisors Diffin and Freeman—2.

Nays—Supervisor Matthews—1

STATE OF MICHIGAN, } ss.
County of Gladwin, }

I, Sherman S. Townsend, clerk of said county of Gladwin and clerk of the circuit court for said county, do hereby certify that I have compared the foregoing copy of the organization of the township of Buckeye in said county, and the whole of such record pertaining to such organization with the original record thereof, now remaining in my office, and that it is a true and correct transcript therefrom, and of the whole of such original record.

In testimony whereof, I have hereunto set my hand, and affixed
[L. S.] the seal of said court and county, this 5th day of October, A.
D. 1897.

SHERMAN S. TOWNSEND,
Clerk.

MIDLAND COUNTY.

In the matter of the application of certain freeholders for the organization of townships to be known as the townships of Lincoln and Jasper.

Pursuant to adjournment the board of supervisors of the county of Midland and State of Michigan, convened at the clerk's office, on Tuesday, March 19, 1861, at 10 o'clock a. m.

On motion the roll was called by the chairman.

Members all present, as follows: C. D. Searrin for Midland township, Sylvester Erway for Jerome township, Samuel D. Gaskill for Ingersoll township.

The establishment of two new townships were duly considered and passed according to the following resolutions:

The board adjourned till tomorrow at 8 o'clock a. m.

Wednesday, March 20, 8 o'clock A. M.

The roll was called; members all present.

In the matter of the application of Eben Wright and others for the erection and organization of a new township:

It appearing to the board of supervisors that application has been made and that notice thereof has been signed, posted up, and published

in the manner required by law and having duly considered the matter of said application, the board orders and enacts that the territory described in said application, bounded as follows, to-wit: To detach from the organized township of Midland, town (15) north of range (1) west, and attach the same to the township of Jerome; and also to detach from said Midland township, town (15) north of range (1) east, and to detach from the organized township of Jerome, town (16) north of (1) east, and to organize the same to-wit: Town (15) north of range (1) east and town (16) north of range (1) east into a separate township by the name of Lincoln. The first annual meeting thereof shall be held at the house of Eben Wright on the first Monday of April, 1861, at 9 o'clock in the forenoon, and at said meeting Eben Wright, Charles Inman and Orville Hosner, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls and exercise the same powers as the inspectors of election at any township meeting as the law prescribes.

And be it further resolved, that the next annual township meeting for the election of township and other officers of the township of Jerome be held at the house of Daniel Boman and the persons heretofore elected for that purpose shall preside over such election.

In the matter of the application of Wm. P. Depue and others for the erection and organization of a new township, it appearing to the board of supervisors that application has been made and notices thereof have been signed, posted up, and published in the manner required by law, and having duly considered the matter of said application the board order and enact that the territory described in said application, bounded as follows, to wit: To detach town (13) north of range (2) west and town (14) north of range (1) west and town (14) north of range (2) west from the organized township of Midland and erect the same into a new township by the name of Jasper; the first annual township meeting thereof to be held at the house of Alson L. Bailey on the first Monday of April, 1861, at 9 o'clock in the forenoon, and at said meeting Alson L. Bailey, Levi Coldwell and Nicholas Depue, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting as the law prescribes.

And it is further resolved, that the next annual township meeting for the election of township and other officers of the township of Midland, be held at the school house in Midland city and the persons heretofore elected for that purpose shall preside over such election.

On motion the board adjourned without day.

.....,
Chairman.

HENRY THOMPSON,
Clerk.

STATE OF MICHIGAN, }
 County of Midland, } ss

I, Jas. V. Lownsbury, clerk of the county of Midland and of the circuit court thereof, do hereby certify that the above and foregoing is a true and compared copy, compared by me, of the original record of the erection and establishment of the townships of Lincoln and Jasper in said county, by the board of supervisors of said county, now of record in my office and of the whole of such original record.

In testimony whereof, I have hereunto set my hand, and affixed
 [L. S.] the seal of said circuit court at the city of Midland, this 26th
 day of August, 1896.

JAS. V. LOWNSBURY,
Clerk.

In the matter of the application of certain freeholders for the organization of a township to be known as the township of Homer.

Clerk's office, Saturday, January 18, 1862, 8 o'clock a. m., the board was called to order; roll called; members all present.

WHEREAS, A petition has been presented to the board signed by at least twelve freeholders of the township of Midland, and the same number from town number fourteen north of range one east, praying that township number fourteen north of range one east be detached from the township of Midland and organized into a separate township by and under the name of Homer, and on vote of said board the prayer of the petition was granted; it is therefore hereby ordered and enacted by the board of supervisors of Midland county that the said township be so organized and that the first township meeting for the purpose of electing the township officers thereof be held at the dwelling house of Charles Cronkright, on the first Monday of April, A. D. 1862, commencing at nine o'clock in the forenoon and held open according to the provisions of the statutes in case made and provided for the holding of annual township meetings, and that Wm. Kelly, Sullivan Bugsby and Charles Gyde, three electors of said township, shall be the persons to preside at such meeting, appoint a clerk, open and keep the polls and exercise the same powers as inspectors of elections, and the same persons are hereby appointed to post the necessary notices of such meeting; and it is further enacted that the township meeting for the township of Midland be held at the school house in Midland city on the first Monday in April, under the same regulations and superintendence of same persons as it would have been had the above alteration not have been made, and the clerk of said township be required to post notices accordingly.

Minutes read, corrected and approved.

On motion the board adjourned until the first Monday in February, 1862, to the county treasurer's office, at one o'clock p. m., to settle with supervisors of Bay county.

NATHAN T. CARR,
Chairman.

HENRY THOMPSON,
Clerk.

STATE OF MICHIGAN, }
 County of Midland, } ss.

I, Jas. V. Lownsbury, county clerk of said county and clerk of the circuit court thereof, do hereby certify that the foregoing and above is a true and compared copy, compared by me, of the original record of the organization of the township of Homer in said county, and of the whole of such original record.

In testimony whereof, I have hereunto set my hand, and affixed
 [L. S.] the seal of the circuit court for said Midland county, at the
 city of Midland, this 17th day of August, A. D. 1896.

JAS. V. LOWNSBURY,
 Clerk.

February 3, 1862.

Pursuant to the adjournment of January last the board of supervisors of Midland county convened at the office of the county treasurer on Monday, February 3, 1862, at one o'clock p. m.

The board was called to order by the chairman and on the call of the roll by the clerk the following members answered to their names: N. T. Carr, Midland township; Sylvester Erway, Jerome township; Wm. T. Depue, Jasper township; S. D. Gaskill, Ingersoll township.

WHEREAS, An application has been made to the board of supervisors of the county of Midland by petition signed by not less than twelve freeholders of townships fourteen north of range one east and fourteen north of range one west, within the legal boundaries of the county of Midland, to organize said territory into a township to be known and designated as the township of Homer. And whereas, a notice of such application, subscribed by the said freeholders, has been duly published and posted in accordance with the requirements of the statutes: Therefore, be it ordered that the above described territory be and the same is hereby organized and constituted a township under the name of Homer. And be it further ordered that the first annual township meeting of such township be held at the place, time and under the regulations as fixed by this board at its session on the 17th day of January, A. D. 1862.

Minutes read and approved. On motion board adjourned *sine die*.

NATHAN T. CARR,
 Chairman.

HENRY THOMPSON,
 Clerk.

STATE OF MICHIGAN, }
 County of Midland, } ss.

I, Jas. V. Lownsbury, clerk of the county of Midland and of the circuit court thereof, do hereby certify that the foregoing and above is a true and compared copy, compared by me, of the record of the organization of the township of Homer in said county, for townships fourteen north

range one east and fourteen north of range one west, and of the whole of such original record.

In testimony whereof, I have hereunto set my hand, and affixed
[L. s.] the seal of said circuit court, at the city of Midland, this 18th
day of August, 1896.

JAS. V. LOWNSBURY,
County Clerk.

In the matter of the application of certain freeholders for the organization of townships to be known as the townships of Midland and Jerome.

Pursuant to adjournment of February 4, 1862, the board of supervisors of the county of Midland convened at the clerk's office in Midland city, on the 12th day of March, A. D. 1862, at 10 o'clock a. m.

The board was called to order by the chairman; roll called by the clerk; members all present as follows: Nathan T. Carr, of Midland township; Sylvester Erway, of Jerome township; Wm. T. Depue, of Jasper township; S. D. Gaskill, of Ingersoll township.

The following preamble and resolutions were acted upon and adopted:

At a session of the board of supervisors of Midland county, held at the office of the county clerk in Midland city, on the 12th day of March, A. D. 1862, the following action was had in relation to the alteration organization of the several townships below mentioned.

WHEREAS, Application has been made to the board of supervisors of the county of Midland by petition signed by not less than twelve freeholders of townships fourteen, fifteen and sixteen north of range two east and the unorganized counties of Gladwin and Roscommon, except towns seventeen and eighteen north of range one east and seventeen north of range one west within the legal boundaries of the county of Midland, to organize said territory into a township to be known and designated by the name of the township of Midland, and whereas, a notice of such application subscribed by said freeholders has been duly posted and published in accordance with the requirements of the statutes; therefore, be it ordered that the above described territory be and the same is hereby organized and constituted a township under the name of Midland and, be it further ordered, that the first annual township meeting shall be held at the school house in Midland city in said township, on the first Monday of April, A. D. 1862, under the same regulations and laws as though this alteration in its boundaries had not been made.

WHEREAS, Application has been made to the board of supervisors of the county of Midland by petition signed by not less than twelve freeholders of townships fifteen, sixteen and seventeen north of range one west and town sixteen north of range two west, within the legal boundaries of Midland county to organize said territory into a township to be known and designated as the township of Jerome; and whereas, notice of such application subscribed by the said freeholders has been duly published and posted in accordance with the requirements of the statutes; therefore, be it ordered that the above described territory be and the same is hereby organized and constituted a township under the name of Jer-

ome; and be it further ordered, that the first annual township meeting shall be held at the usual place of holding elections in said township on the first Monday in April, A. D. 1862, under the same regulations and laws as though this alteration in its boundaries had not been made.

Minutes read and approved. On motion board adjourned *sine die*.

NATHAN T. CARR,

Chairman.

HENRY THOMPSON,

Clerk.

STATE OF MICHIGAN, }
County of Midland, } ss.

I, Jas. V. Lownsbury, clerk of the county of Midland and of the circuit court thereof, do hereby certify that the foregoing and above is a true and compared copy, compared by me, of an original record of the reorganization of the townships of Midland and Jerome in said county, and of the whole of such original record.

In testimony whereof I have hereunto set my hand and affixed
[L. S.] the seal of the circuit court of said county, at the city of Midland, this 27th day of August, A. D. 1896.

JAS. V. LOWNSBURY,

Clerk.

In the matter of the application of certain freeholders to detach certain territory from the township of Midland and attach the same to the township of Ingersoll.

October 23, 1872.

Board met pursuant to adjournment; quorum present.

Supervisor Gaskill offered the following:

WHEREAS, Application in writing has been made to the board of supervisors of Midland county to detach that part of sections one and two lying north of the Tittabawassee river from the township of Midland and attach the same to the township of Ingersoll; and

WHEREAS, It appears to the board that said application has been signed by a majority of all the taxable inhabitants residing on the part of the territory to be detached whose names appear on the last preceding assessment roll of the township of Midland; and

WHEREAS, It appears to this board that notice of said application subscribed by not less than twelve freeholders of the townships to be affected, have been posted in five of the most public places in each of said townships and has been published in the Midland Independent, a newspaper printed in said county, for four successive weeks immediately preceding this session of the board of supervisors; therefore be it

Resolved, That the prayer of the applicants be granted, provided that this resolution do not take effect or be in force until and after the first day of March, A. D. 1872.

Adopted.

On motion of Supervisor Mills the board adjourned until the first Monday in January.

Read, corrected and signed in open board.

R. C. MARTIN,
Chairman.

WM. PLUMMER,
Clerk.

In the matter of the application of certain freeholders to detach certain territory from the township of Jerome and organize a township to be known as the township of Geneva.

Tuesday, June 24, 1873.

Board met; quorum present.

Chairman announced the appointment of the following committees:

Committee on the organization of townships: Henry Hart, T. F. Howland and Andrew J. Martin.

* * * * *

Report of the committee on the organization of the township of Geneva:

To the Board of Supervisors of Midland County:

Your committee to whom was referred the organization of the following named township of Geneva out of the territory belonging to and forming a part of the township of Jerome, report that they find that proper application has been made and that notice thereof has been posted up and published in the manner required by law, also maps of the territory proposed to be erected into a township. We would recommend that the prayer of the petitioners be granted and that the board take such further action as may be necessary to complete the organization of said township.

HENRY HART,
F. T. HOWLAND,
A. J. MARTIN,
Committee.

The board of supervisors enact that the territory described in the petition of Wm. R. Button and others, to wit: Township fifteen north of range two west in Midland county, Michigan, be and the same is hereby erected into a township to be called and known as the township of Geneva. The first township meeting shall be held at the school house in said township of Geneva on the first Monday of April next, at nine o'clock in the forenoon, and at said meeting William R. Button, Wesley P. Button and Cyrus Carr, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls and exercise the same powers as the inspectors of elections of any township meeting, as the law provides, and that William R. Button post the notices of said meeting; also that the next annual township meeting of the township of Jasper be held near the southwest corner of section twenty-one in township thirteen north of range two west,

on the site of the town house now in process of erection, and that Noah W. Spencer post the notices of said meeting.

STATE OF MICHIGAN, }
County of Midland, } ss.

I, Jas. V. Lownsbury, clerk of the county of Midland and of the circuit court thereof, do hereby certify, that the foregoing and above is a true and compared copy, compared by me, of an original record of the proceedings of the board of supervisors of said county in changing the boundaries of the townships of Midland and Ingersoll therein and also of the erection and organization of the township of Geneva out of territory of Jasper township, and of the whole of such original record.

In testimony whereof, I have hereunto set my hand, and affixed
[L. S.] the seal of said circuit court, this 29th day of August, A. D.
1896.

JAS. V. LOWNSBURY,
Clerk.

In the matter of the application of certain freeholders to detach certain territory from the township of Midland and attach the same to the township of Hope.

March 11, 1876.

Board met; roll called; quorum present.

To the Honorable Board of Supervisors of Midland County:

GENTLEMEN—Your committee on the organization of townships, to whom was referred the petition of the several freeholders of Midland and Hope townships asking the detaching of town sixteen north of range two east from Midland township and attaching the same to the township of Hope, making the said township of Hope to contain and embrace town No. 16 north of range one and two east, your committee would respectfully report they have had the matter under careful consideration and would recommend the prayer of the petitioners to be granted.

Signed by committee.

L. G. MINER.
GEO. W. HOWE.
JOHN T. MARTIN.

On motion of Supervisor Jennings the above report was accepted and laid over until afternoon.

By Supervisor Brewster:

Resolved, By the board of supervisors of Midland county;

WHEREAS, The committee on townships having reported in favor of citizens of the townships of Midland and Hope asking that certain territory in the township of Midland be detached therefrom and added to the township of Hope, and it appearing to the board of supervisors that application has been made and that notice thereof in writing has been signed, published and posted up as in the manner required by law and a map having been furnished of the townships to be affected by the

division, and having duly considered the said application. It is ordered that all the territory described as follows, viz.: town (16) sixteen north of range (2) two east in Midland county be and hereby is detached from the township of Midland and the same be and hereby is added to the township of Hope. Adopted.

Read, corrected, approved and signed.

S. W. HUBBELL,
Chairman.

WM. PLUMMER,
Clerk.

STATE OF MICHIGAN, }
County of Midland, } ss.

I, Jas. V. Lownsbury, clerk of the county of Midland and of the circuit court thereof, do hereby certify that the above and foregoing is a true and compared copy compared by me of an original record of the proceedings of the board of supervisors of said county in changing the boundaries of the townships of Midland and Hope in said county and of the whole of such original record.

[L. s.] In testimony whereof I have hereunto set my hand and
affixed the seal of the circuit court for said county at
the city of Midland this 31st day of August, A. D. 1896.

JAS. V. LOWNSBURY,
Clerk.

MONTMORENCY COUNTY.

In the matter of the application of certain freeholders to detach certain territory from the township of Montmorency, and attach the same to the township of Briley.

Hillman, Mich., February 25, 1893.

Pursuant to adjournment, the board of supervisors of Montmorency county met at the office of the county clerk on Saturday, the 25th day of February, A. D. 1893.

Board called to order by chairman at 9 o'clock a. m.

Full board present.

In the matter of the application of certain freeholders for the division of a township;

WHEREAS, An application has been duly made to the board of supervisors of the county of Montmorency by Wm. J. Coffron, Adolph Werner, Cash Coffron, Henry Buckler, A. J. West, Henry Cordes, Alfred West, William Boettcher, Alf. J. West, Jr., August Henricks, C. T. Hilderbrant, William Cordes, J. B. McLain, Henry Buckler, Lewis A. Irwin, Wm. Shields, Henry Speiss, Andrew Dickie, Owen Otto, Napoleon Vil-

leave, Manley Otto, Jas. D. Hubert, C. D. Sauls, John Hamilton, D. D. Monroe, Robert McDonald, Frank E. Monroe, Elijah Chamberlain, all of whom are freeholders and twelve of whom reside in each township to be affected thereby, for to detach the north half of town thirty-one north of range two east from the township of Montmorency and added to the township of Briley, and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the townships to be hereby affected, has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board upon consideration thereof that the said application ought to be granted;

Thereupon it is ordered and determined by the said board that the territory, described as follows, to wit: the north half of town thirty-one north of range two east, be and the same is hereby detached from the township of Montmorency and added to the township of Briley.

Adopted by yeas and nays.

A majority of all members elected voting therefor, to wit:

Yeas—Supervisors Briley, Greenfield, Hamilton, Hildebrant, McQueen and Staninger.

Nays—None.

STATE OF MICHIGAN, } ss.
County of Montmorency, }

I, Thomas E. Double, deputy clerk of said county of Montmorency and clerk of the circuit court for said county, do hereby certify that I have compared the foregoing copy of proceedings of the board of supervisors of said county with the original record thereof, now remaining in my office, and that it is a true and correct transcript therefrom, and of the whole of such original record.

In testimony whereof I have hereunto set my hand and
[L. S.] affixed the seal of said court and county, this nineteenth day of March, A. D. 1896.

THOMAS E. DOUBLE,
Deputy Clerk.

MUSKEGON COUNTY.

In the matter of the application of certain freeholders of the township of Muskegon, for the organization of a new township, to be known as the township of Eggleston.

A petition was presented from sundry freeholders of township No. ten (10) north of range No. fifteen (15) west, praying that the said territory be set off from the township of Muskegon and erected into a separate township by the name of Eggleston.

On motion of Mr. Smith (of Norton), seconded by Mr. Whitney (of Casinovia), said petition was ordered to be referred to a committee of one to be appointed by the chair.

The chair thereupon appointed Mr. Smith (of Norton) such committee.

Said committee reported a bill for the organization of the said township of Eggleston (accompanied by a map of the township of Muskegon and including the territory proposed to be embraced in said township of Eggleston) and recommended the passage of the bill.

On motion of Mr. Whitney, seconded by Mr. Smith, the said report of committee was accepted.

On consideration of said bill the same was passed, on calling of the yeas and nays by townships, as follows:

Yeas—Casinovia, Norton, Muskegon.

Nays—None.

Said bill is as follows, to-wit:

In the matter of the application of Adna Eggleston, William Sturdefant and others for the formation of a new township;

It appearing to the board of supervisors of the county of Muskegon that application has been made and that notices thereof have been signed, posted up and published as in manner required by law, and having duly considered the said application, said board do order and enact that the territory described in said application, to-wit: township No. ten (10) north of range No. fifteen (15) west, in the county of Muskegon and State of Michigan, be and the same hereby is detached from the township of Muskegon in said county and erected into a new township by the name of Eggleston.

It is further ordered that the first township meeting of said township of Eggleston be held at the house of William Sturdefant in said township on the first Monday of September, A. D. 1859, at nine o'clock in the forenoon, and that William Sturdefant, Adna Eggleston and James Anscomb, three electors of said township, shall be the persons whose duty it shall be to preside at said meeting, to appoint a clerk, open and keep the polls, and to execute the same powers as the inspectors of election at any township meeting, as the law provides. And that the next annual township meeting of the township of Muskegon shall be held at the basement of the Methodist Episcopal church in the village of Muskegon in said township.

STATE OF MICHIGAN, }
County of Muskegon, } ss.

I, John B. Barlow, clerk of said county of Muskegon and clerk of the circuit court for said county, do hereby certify that I have compared the foregoing copy of the action of the board of supervisors of Muskegon county at a special session held on July 18, 1859, creating the township of Eggleston, with the original record thereof, now remaining in my

office, and that it is a true and correct transcript therefrom, and of the whole of such original record.

In testimony whereof I have hereunto set my hand, and
[L. s.] affixed the seal of said court and county, this 13th day
 of August, A. D. 1896.

JOHN B. BARLOW,
Clerk.

In the matter of the application of certain freeholders of the township of Ravenna, for the organization of a new township, to be known as the township of Mooreland.

Board met pursuant to adjournment. Called to order by the chairman. Roll called. Present—Merrell, Whitney, Ira O. Smith, Thomas D. Smith.

A petition was here presented by Thomas D. Smith from sundry inhabitants of Ravenna praying that a certain portion thereof be detached therefrom and erected into a separate township.

The board duly considered the same, together with the accompanying documents, and became satisfied that the requirements of law for such cases made and provided had been fully complied with as regards the preparatory steps taken by said petitioners for the erection of said township.

Thomas D. Smith introduced a bill for the erection of said township in answer to the prayer of said petitioners and moved its passage.

The same being duly supported, was passed by the following vote: Yeas—Merrell, Whitney, Ira O. Smith, Thomas D. Smith. Nays—None.

The said bill for the organization of the township of "Mooreland" is in the following words, to-wit:

In the matter of the application of John W. Tibbits, W. C. Bliss, Lewis S. Hancock, Peter Conklin, Alvin Reed, T. S. Phillips, James F. Wilson, B. Brevont, Nathan Stevens, N. House, O. F. Conklin, John R. Salisbury, Jesse Ackerman, L. J. Conklin, for the erection and organization of a new township;

It appearing to the board of supervisors that application has been made and that notice thereof has been signed, posted up and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, as follows, to-wit: township No. ten (10) north of range No. fourteen (14) west, be and the same hereby is erected into a township to be called and known by the name of the township of Mooreland.

The first annual township meeting thereof shall be held at the school-house near William C. Bliss on the first Monday of April next at nine o'clock in the forenoon, and at said meeting Peter Conklin, John W. Tibbits and B. Brevont, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls and exercise the same powers as the inspectors of election at any township meeting as the law provides.

STATE OF MICHIGAN, } ss.
County of Muskegon, }

I, John B. Barlow, clerk of said county of Muskegon and clerk of the circuit court for said county, do hereby certify that I have compared the foregoing copy of the proceedings of the board of supervisors of Muskegon county, Michigan, at a session held on January 7, 1860, organizing the township of Mooreland, Muskegon county, Michigan, with the original record thereof, now remaining in my office, and that it is a true and correct transcript therefrom, and of the whole of such original record.

[L. s.] In testimony whereof I have hereunto set my hand and
affixed the seal of said court and county, this 17th day
of August, A. D. 1896.

JOHN B. BARLOW,
Clerk.

CERTIFIED COPIES OF PROCEEDINGS

RELATIVE TO THE INCORPORATION OF VILLAGES.

ALGER COUNTY.

In the matter of the application of certain voters of the township of Munising for the incorporation of a village in said township, under the name of Munising.

At a regular session of the board of supervisors of Alger county, held at the court house in the village of Au Train in said county on the 8th day of May, A. D. 1896. Present—Supervisors W. H. Williams, Geo. Wilson, Wm. B. Hayes, E. C. Cox, James Hawley, Chas. Schaffer, and Chas. Johnston. The application and petition of W. P. Elliott and forty other legal voters, praying for an order of said board incorporating as a village under the name of Munising, embracing certain territory within the township of Munising, within which territory said petitioners are residents and legal voters, having been presented by Chas. R. Brown, attorney for said petitioners, was duly considered by said board, and after hearing the parties desiring to be heard in relation thereto, and after hearing the proofs touching the legal qualifications of said petitioners, the taking of the census as required by law of the resident population of the territory embraced within the limits of said proposed village, as well as in relation to the giving and publication of notice of the presentation and hearing of said application, on motion of supervisor Geo. Wilson, seconded by supervisor Chas. Johnston, the following preamble, resolution and orders were adopted by said board, supervisors Williams, Wilson, Hayes, Cox, Hawley, Schaffer and Johnston voting in favor thereof, and no one voting against the same:

WHEREAS, Application has been duly made to the board of supervisors of the county of Alger by W. P. Elliott, Thos. C. Sheridan, Simeon S. Bell, H. C. Russell, R. Peters, H. Mack, F. L. Baldwin, F. E. Lamphere, Alexander Turner, Thos. McCalmon, James Hoy, R. T. MacLean, T. Mitchell, Jos. Guy, Timothy Nester, A. S. Nester, George Prior, J. E. Hanford, Thomas Jefferson, A. D. Cole, C. C. Powell, A. A. Powell, John O. Lehnen, S. M. Bilow, C. E. Clossar, W. Bowtle, Theodore E. Bissell, James Thompson, H. E. Sperry, E. F. Raymond, G. A. Truman, O. P. Young, Paul G. Kling, E. C. Cox, F. Miller, F. S. Hitchings, Frank E. Helmka, C. A. Stevenson, Fred Scott, Samuel Johnson, Oscar Johnson, and others, for

the incorporation of a village under the name of Munising, to embrace the following described territory in the township of Munising in said county, to-wit: lot three (3), section nineteen (19), the west half of section thirty (30), the west half of section thirty-one (31), in township forty-seven (47) north, of range eighteen (18) west; all of fractional sections twenty-five (25), twenty-six (26), twenty-seven (27), thirty-four (34), thirty-five (35), and thirty-six (36), in township forty-seven (47) north, of range nineteen (19) west; all of fractional sections one (1), two (2), and three (3), the north half of the north half of section ten (10), the north half of section eleven (11), the north half of the north half of section twelve (12), in township forty-six (46) north, of range nineteen (19) west; and

WHEREAS, It appears from the proofs offered before said board upon the hearing of said petition:

First, That said territory is a part of the township of Munising and is not included in any incorporated village, contains an area of more than one square mile and contains a resident population of over three hundred persons, within the territory hereinafter described;

Second, That all of said petitioners are and were at the time of signing of said petition legal voters residing in said territory, and within the territory hereinafter particularly described;

Third, That such persons, petitioners, did, on the 18th and 19th days of March, 1896, being within sixty days before making such application, cause an accurate census to be taken of the resident population of such territory, which census among other things exhibits the name of every head of a family residing within said territory on the day the same was taken and the number of persons belonging to each such family, verified by F. L. Baldwin, the person who made such census, written thereon and annexed thereto;

Fourth, That said persons making such application gave notice that they would apply to this board on this day for an order incorporating such territory first above described as a village, which notice described the boundaries of the territory proposed to be incorporated as herein before set forth, and was published and printed in the Alger County Republican, a public newspaper printed and circulated within such territory, which notice was published in said newspaper once in each week for four successive weeks immediately previous to this date, the time therein specified for making such application;

Fifth, That said board being satisfied that all the requirements of act number three of Public Acts of the legislature of the State of Michigan of the year 1895 in relation to said application and proceedings have been complied with, and said territory to be embraced in said village as hereinafter set forth contains a resident population of upwards of three hundred persons, and said board having considered and determined the advisability of ordering such incorporation to embrace all the said territory described in said application except the southeast quarter of section one (1), in township forty-six (46) north, of range nineteen (19) west;

Now, therefore, it is hereby resolved, ordered and determined by said board that the territory described in said petition, lying and situated

in said township of Munising, to-wit: lot three (3) of section nineteen (19), the west half of section thirty (30), the west half of section thirty-one (31), in township forty-seven (47) north, of range eighteen (18) west; all of fractional sections twenty-five (25), twenty-six (26), twenty-seven (27), thirty-four (34), thirty-five (35), and thirty-six (36), in township forty-seven (47) north, of range nineteen (19) west; all of fractional section one (1) (except the southeast quarter thereof), fractional sections two (2) and three (3), the north half of the north half of section ten (10), the north half of section eleven (11), the north half of the north half of section twelve (12), in township forty-six north, of range nineteen (19) west, be and the same is hereby erected, organized and incorporated into a village to be called and known as the village of Munising. And it is further ordered by said board that the first village election therein shall be held at the waiting room of the depot building of the Munising Railway Co. in said village on the first day of June, A. D. 1896, and Henry N. Morris, Charles E. Stebbins, Emil W. P. Weiss and Clarence E. Clossar, residents of such territory, and qualified electors therein, shall constitute a board of registration for said first election to be held in said village, who shall also act as inspectors of election at said first election.

STATE OF MICHIGAN, }
County of Alger, } ss.

I, Walter A. Whelan, clerk of the circuit court for the county of Alger, do hereby certify that the foregoing is a true and correct copy of resolution and order of incorporation of the village of Munising, Alger county, adopted and made by the board of supervisors of said county, as appears of record in my office, and that I have compared said copy with the original, and find it a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and
[L. s.] affixed the seal of said court, at Au Train this 19th day
 of May, A. D. 1896.

WALTER A. WHELAN,
Clerk.

ANTRIM COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of Central Lake.

Bellaire, Michigan, October 15, 1895.

Board met at 2 o'clock p. m.

Roll call. Present, a quorum.

The following petition, praying for the incorporation of the village of Central Lake, was presented and filed:

To the Honorable Board of Supervisors of Antrim County, Michigan:

GENTLEMEN—We, the undersigned, residents of territory described below and legal voters therein, respectfully petition your honorable body to incorporate the following described territory into a village to be named the village of Central Lake:

The west half of section twenty-three, west half of northwest quarter of southeast quarter, section twenty-three; west half of southwest quarter of southeast quarter, section twenty-three; lot numbered one, section twenty-six; lot numbered eight, section twenty-six; northeast quarter of northeast quarter, section twenty-seven; east half of southeast quarter, section twenty-two; east half of northeast quarter, section twenty-two; northwest quarter of southeast quarter, section twenty-two; all in township thirty-one north, range eight west, and lying and being in Central Lake township, Antrim county, Michigan. The number of persons residing within such territory described, according to census taken the 26th day of August, 1895, hereto attached, are 631.

(Signed) A. J. DRAKE,
and upwards of ninety others.

The following remonstrance to such incorporation was presented and filed:

To the Honorable Board of Supervisors of Antrim County:

WHEREAS, A certain petition has been circulated asking for the incorporation of the village of Central Lake, we the undersigned citizens and taxpayers within the boundaries of said proposed incorporation beg leave to present the following counter petition, viz.: We ask that the boundaries of said incorporation be made to include the village plats of Central Lake and only such adjacent unplatted lands as the owners thereof may desire to have included.

(Signed) C. N. COULTER,
and 17 others.

By T. M. Rushton.

WHEREAS, A petition duly signed by ninety-one residents of the following described territory and legal voters therein has this day been presented to this board asking for an order incorporating such territory as a village, to be named the village of Central Lake, viz.:

The west half of section twenty-three (23), the west half of northwest quarter of southeast quarter of section twenty-three (23), the west half of southwest quarter of southeast quarter of section twenty-three (23), lot number one of section twenty-six (26), lot number eight of section twenty-six (26), the northeast quarter of the northeast quarter of section twenty-seven (27), the east half of the southeast quarter of section twenty-two (22), the east half of northeast quarter of section twenty-two (22), the northwest quarter of the southeast quarter of section twenty-two (22); all in township thirty-one (31) north of range eight (8) west, and lying and being in Central Lake township, Antrim county, Michigan. And whereas, it appears to this board that all the requirements of an act to provide for the incorporation of villages within the State of Michigan and defining their powers and duties, approved February 19, 1895, in

respect to such application, have been complied with and that such territory as determined upon contains the population required by this act. Now therefore, it is ordered that the above described territory shall be and the same is hereby incorporated as a village by the name of Central Lake. And it is further ordered that the first election therein shall be held on the second day of December, A. D. 1895, at Green's hall in the village of Central Lake, and the following named persons, residents of such territory and qualified electors therein, are duly appointed and constituted a board of registration for said first election to be held in said village, and they shall also act as inspectors of election at said first election, viz.: Thomas M. Rushton, Henry C. McFarlan, Algernon V. Hinckley and Caleb Green.

Carried, by yeas and nays, as follows:

T. M. Rushton, H. W. Sloat, Allison, Barnes, Dougherty, Dickinson, Conklin, Dewey, Montgomery, Burdick, Campbell, Zeigler, Thumm. Yeas—13.

Wiltse, Blakely. Nays—2.

STATE OF MICHIGAN, }
County of Antrim, } ss.

I, M. W. Newkirk, clerk of the county of Antrim and clerk of the circuit court of said county, the same being a court of record and having a seal, do hereby certify that I have compared the annexed copy of the record of the proceedings of the board of supervisors of Antrim county relative to the incorporation of the village of Central Lake with the original record thereof now remaining in my office, and have found the said copy to be a correct transcript therefrom, and of the whole of such original record.

In testimony whereof I have hereunto set my hand and
[L. s.] affixed the seal of said circuit court, at Bellaire, this
24th day of April, A. D. 1896.

M. W. NEWKIRK,
Clerk.

By E. A. HARRIMAN,
Deputy Clerk.

CALHOUN COUNTY.

In matters of the application of certain freeholders for the incorporation of the village of Athens.

Proceedings of the board of supervisors of the county of Calhoun, in the State of Michigan, at a session of said board held pursuant to adjournment at the court house, in the city of Marshall, in said county, on Wednesday, the 16th day of October, A. D. 1895.

The board was called to order at 10:30 o'clock a. m. by Mr. Simmons, chairman.

Mr. Fisk presented and read the following petition from L. H. Love and 128 other citizens of the township of Athens, praying for the incorporation of the village of Athens:

To the Board of Supervisors of the County of Calhoun:

We, whose signatures are hereto attached, residents and legal voters of the township of Athens, in said county, being also residents of a certain portion of said township and village, now under consideration for incorporation as a village, no part of which territory is included in any incorporated village, do hereby earnestly and respectfully pray that the following described territory, to wit:

Commencing at the southeast corner of the northwest quarter of section No. thirty-four (34) and running thence north one (1) mile, thence west one (1) mile, thence south one (1) mile and thence east one (1) mile to the place of beginning, containing an area of one square mile, all in town four (4) south of range eight west, may be detached from said township of Athens and incorporated as a village as provided by an act of the legislature, for incorporating territory having a resident population of three hundred persons in one square mile, and that said territory, if incorporation be granted, may be named and designated as the "Village of Athens."

On motion of Mr. Wartman, the petition was laid on the table until tomorrow morning.

Proceedings of the board of supervisors of the county of Calhoun, in the State of Michigan, at a session of said board held pursuant to adjournment at the court house, in the city of Marshall, in said county, on Thursday, the 17th day of October, A. D. 1895.

The board was called to order at 10 o'clock a. m. by Mr. Simmons, chairman.

Mr. Barton moved to take the petition of the citizens of Athens, relative to the incorporation of the village of Athens from the table and refer it to a committee of three to be appointed by the chairman. The motion prevailed and the chairman appointed Messrs. Fisk, McNary and Schwark as such committee.

Proceedings of the board of supervisors of the county of Calhoun, in the State of Michigan, at a session of said board, held pursuant to adjournment, at the court house, in the city of Marshall, in said county, on Friday, the 18th day of October, A. D. 1895.

The board was called to order at 10 o'clock a. m. by Mr. Simmons, chairman.

The special committee appointed to consider the petition of citizens of Athens reported as follows:

To the Honorable Board of Supervisors of Calhoun County:

Your special committee to whom was referred the matter of incorporation of the village of Athens beg leave to make the following report:

We have examined the petition for the incorporation and all other steps taken by said petitioners in regard to said incorporation and find they comply with the statutes in such cases made and provided, and your committee would recommend that an order be granted for the incorporation of said village of Athens.

And would further recommend that the first election of officers for said village be held in Athens on the first Monday in December, A. D. 1895, and that L. H. Love, J. Milton Standiford, Ralph F. Foote, and Isaac Snyder be appointed as the board of registration and election inspectors for said first election.

All of which is respectfully submitted.

GUY FISK,
HENRY J. SCHWARK,
F. E. McNARY,

Special Committee.

On motion of Mr. Wartman, the report was adopted as the action of the board.

E. E. SIMMONS,
Chairman.

WILLIAM J. GREGG,
Clerk.

STATE OF MICHIGAN, } ss.
County of Calhoun, }

I, Edward Austin, clerk of said county and of the circuit court thereof, do hereby certify the above and foregoing is a true and correct copy of petition and action of the board of supervisors as regards the incorporation of the village of Athens, and now remaining in my office as such clerk. That I have compared the same with the original thereof, and that it is a true transcript therefrom, and of the whole of such original.

In testimony whereof I have hereunto set my hand and
[L. s.] affixed the seal of said court, at the city of Marshall, in
said county, this 20th day of October, A. D. 1897.

EDWARD AUSTIN,
Clerk.

HURON COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of Elkton.

Bad Axe, Huron county, Michigan, October 15, 1897.

1 o'clock p. m.

Board met pursuant to adjournment; roll called; quorum present.

On motion of Supervisor Buchanan, seconded by Hughes, the committee on incorporation of the village of Elkton made the following report, which on motion of Supervisor Wallace, seconded by Shine, was accepted and adopted by the following aye and nay vote:

Ayes—Baskin, McGregor, Hughes, Murdock, Houvener, Carr, Sullivan, Torry, Parr, Shine, Marquardt, Dufty, Dukelow, Thomas, Wallace, Shaina, Bisbee, Wright, Gremel, Buchanan, Tschirhart, Schnyser, McDonald, Challis—24.

Nays—Smith—1.

To the Honorable Board of Supervisors of Huron County:

Your committee to whom was referred the petition for the incorporation of the village of Elkton respectfully report that they have carefully looked over the said petition and find that the petitioners have fulfilled all the requirements of act 3 of the session laws of 1895, being an act to provide for the incorporation of villages in the State of Michigan, and we therefore submit the following resolution:

WHEREAS, Application having been made to the board of supervisors for the county of Huron, to incorporate the village of Elkton, Huron county, Michigan, and it appearing by the petition for said incorporation that the territory of said village is not included in any incorporated village and contains an area of not less than one square mile and a resident population of not less than 300 residents, and it further appearing by the petition that not less than 30 resident voters have prayed for said incorporation, and it further appearing that the proper census has been made of said territory and that all notices and pre-requisites pertaining to said incorporation have been complied with and all parties interested in them have been heard. Now therefore;

Section 1. The board of supervisors for the county of Huron and State of Michigan, hereby order, enact and declare that the following described territory, to wit: Commencing at the center of section 9 in township 16 north of range 11 east, thence east one mile to the center of section 10 in said township, thence south one mile to the center of section 15 in said township, thence west one mile to the center of section 16 in said township, thence north one mile to the place of beginning. Said territory including the following descriptions of land, to wit: S. W. $\frac{1}{4}$ of section 10, S. E. $\frac{1}{4}$ of section 9, N. E. $\frac{1}{4}$ of section 16, N. W. $\frac{1}{4}$ of section 15, all in township 16 north of range 11 east, being in the township of Oliver, Huron county, Michigan, being territory not included in any incorporated village, be and the same is hereby made and constituted the village corporate by the name of the village of Elkton, by virtue of and under the provisions of an act, entitled "An act to provide for the incorporation of villages within the State of Michigan and defining their powers and duties," approved February 19, 1895.

Sec. 2. The first election of officers of said village shall be held on the first Monday in December, 1897, at the town hall in said village.

Sec. 3. The following four discreet persons, residents of such territory, and qualified electors therein, who shall constitute a board of registration for said first election to be held in said village and who shall also act as inspectors of election at said first election, to wit: John Grill, Martin Honeywell, H. C. Wales, Edward Heaton.

All of which is respectfully submitted.

DUNCAN BUCHANAN,
WM. DUFTY,
GUSTAVE MARQUARDT,
Committee.

STATE OF MICHIGAN, }
 County of Huron, } ss.

I, Eugene H. Swain, clerk of the circuit court for said county, do hereby certify that the above and foregoing is a true and compared copy of an original order by the board of supervisors for the county of Huron and State of Michigan, now on record in the office of the clerk of said county and court, and the whole of such original record.

In testimony whereof, I have hereunto set my hand and affixed
 [L. S.] the seal of said court, at the village of Bad Axe, this 10th
 day of November, A. D. 1897.

EUGENE H. SWAIN,
 Clerk.

ISABELLA COUNTY.

In the matter of vacating the village of Blanchard.

Blanchard, December 20, 1893.

This is to certify that a special election was held in the village of Blanchard on the 11th day of December, A. D. 1893, for the purpose of vacating the incorporation of the village of Blanchard and the whole number of votes cast was thirty-five (35), of which said votes twenty-four (24) was cast for vacating the charter of said village and ten (10) votes was cast against vacating and annulling said charter of incorporation and one vote was void and thrown out.

C. W. ROBINSON,
 Village Clerk.

STATE OF MICHIGAN, }
 County of Isabella, } ss.

I, Geo. H. Lawrence, clerk of said county of Isabella and clerk of the circuit court for said county, do hereby certify that I have compared the foregoing copy of a statement of election returns pertaining to the vacation of the charter of the village of Blanchard with the original record thereof, now remaining in my office, and that it is a true and correct transcript therefrom, and of the whole of such original record.

In testimony whereof, I have hereunto set my hand, and affixed
 [L. S.] the seal of said court and county, this 8th day of June, A.
 D. 1896.

GEO. H. LAWRENCE,
 Clerk.

LENAWEE COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of Britton.

Friday October 23, 1896.

The board met pursuant to adjournment; roll call; quorum present.

The journal was read, approved and signed in open session.

Supervisor Underwood, from the committee on judiciary, made the following report:

To the Honorable Board of Supervisors of Lenawee County:

GENTLEMEN—Your committee of judiciary, to whom was referred the petition of John Britton and sixty-three others to have certain territory in town six (6) south range five (5) east, described in said petition, incorporated as a village by the name of and to be known as the village of Britton, have the honor to report that all of the requirements of act number three of the public acts of 1895 of the legislature of this State, in respect to said petition and application have been complied with, that the territory described in such petition contains a population of three hundred and twenty-six persons; therefore be it

Resolved, ordered and declared that the following described land or territory be and hereby is incorporated as the village of Britton, viz.: The west half of section three (3) and the east half of section four (4) town six (6) south range five (5) east, containing an area of one square mile.

It is further ordered by this board that the first Tuesday in January, 1897, be the time for holding the first village election and that Exelby Hall in said village of Britton be the place for holding said first election.

And it is further ordered that William Britton, Cornelius Exelby, James Haight and Samuel Kniffen, discreet persons, residents of the above described territory and qualified electors therein, be and hereby are appointed a board of registration for said first election to be held in said village, and who shall also act as inspectors of election at said first election.

WILLIAM BRITTON,
Chairman.

All of which is respectfully submitted.

ED. F. UNDERWOOD,
EDGAR MORSE,
H. GREENLEAF,
Committee.

Upon motion of Supervisor Cooke the report of the committee was accepted and adopted, a majority of all supervisors elected voting therefor.

W. W. KING,
Chairman.
E. L. MILLS,
Secretary.

STATE OF MICHIGAN, }
 County of Lenawee, } ss.

I, Edwin L. Mills, clerk of the county of Lenawee and of the circuit court thereof, the same being a court of record, and having a seal, do hereby certify that I have compared the foregoing copy of the incorporation of the village of Britton by the board of supervisors with the original record, as made on pages 417 and 418 of supervisors record E, and now remaining in my office, and have found the said copy a correct transcript therefrom, and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed
 [L. S.] the seal of said circuit court this 2d day of June, A. D.
 1897.

EDWIN L. MILLS,
Clerk.

WAYNE COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of Delray.

Application having been made to this board for the incorporation of the certain territory hereinafter described as a village to be known as the village of Delray in accordance with the terms of an act, entitled "An act to provide for the incorporation of villages within the State of Michigan and defining their powers and duties," being act No. 3 of the public acts of 1895, and this board after hearing all the parties interested in said application who appeared and asked to be heard and being satisfied that all the requirements of said act in respect to such application have been complied with, and having determined upon the territory hereinafter described as the territory which shall be embraced in said village, and being satisfied that such territory as determined upon contains the population required by said act, it is by this board, at the regular session thereof, hereby ordered that the territory situated in the township of Springwells, county of Wayne, mentioned in said application, and more particularly described as follows, to wit: Beginning at the intersection of the westerly line of Artillery avenue and the southerly line of the Wabash railroad, thence along the westerly line of Artillery avenue and said westerly line extended to the Detroit river, thence along the Detroit river down stream to the river Rouge, thence along said river Rouge up stream to the southerly line of the Wabash railroad, thence easterly along said southerly line to the place of beginning, shall be an incorporated village by the name of the village of Delray, that being the name specified in said application.

And it is further ordered by said board that the first election in said village shall be held on the 25th day of November, 1897, at Chase hall

on Chase street, in said village, and that Peter B. DeLisle, George O. Fisher, George G. Scott and A. G. Barnes, four discreet persons, residents of such territory and qualified electors therein, shall constitute a board of registration for said first election to be held in said village, and shall act as inspectors of election at said first election.

October 26, 1897.

FRANK N. REVES,

Chairman Board of Supervisors Wayne County.

HENRY M. REYNOLDS,

County Clerk and Clerk of Board of Supervisors, Wayne County, Mich.

STATE OF MICHIGAN, }
County of Wayne, } ss.

I, Henry M. Reynolds, clerk of Wayne county and clerk of the circuit court for the county of Wayne, do hereby certify that the above and the foregoing is a true and correct copy of order incorporating village of Delray, Wayne county, Michigan, as appears of record in my office; that I have compared the same with the original, and it is a true transcript therefrom, and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed
[L. S.] the seal of said court and county, at Detroit, this 10th
day of November, A. D. 1897.

HENRY M. REYNOLDS,

Clerk.

WALTER J. OLDFIELD,

Deputy Clerk.

INDEX

INDEX.

[The references are to pages.]

Ada Township:	
Kent county, act to provide for construction of bridge in, across Grand river.....	186
Adrian City:	
Act to incorporate public schools of, amended.....	686
charter of, amended.....	82
Agricultural Society:	
of Oakland county, act to legalize proceedings of, to sell its real estate.....	3
Midland county, authorized to borrow money.....	168
Akron Township:	
Tuscola county, authorized to permit laying railway tracks across highways for electric road.....	659
Albee Township:	
Saginaw county, to provide drain through.....	674
Alcona County:	
board of supervisors of, authorized to issue bonds to pay matured orders.....	11
Alger County:	
Munising village in, authorized to borrow money.....	166
Burt township in, authorized to borrow money.....	262
certified proceedings of board of supervisors of, relative to the organization of Munising village.....	1220
Allegan County:	
Pine Plains township in, name changed to Valley township.....	80
Allegan Village:	
Allegan county, authorized to borrow money.....	190
Almer Township:	
Tuscola county, authorized to permit laying of railway tracks across highway for electric road.....	659
Alpena City:	
act to organize union school district in, amended.....	23
for registration of electors in.....	25
charter of, amended.....	211, 544
Ann Arbor City:	
charter of, amended.....	1086
Antrim County:	
act authorizing, to build bridge across Torch river.....	954
certified statement of board of supervisors of, relative to the organization of the village of Central Lake.....	1222
Arenac County:	
Whitney township in, act authorizing to borrow money amended.....	12
home mutual insurance company of, risk to be assumed.....	210
AuGres township in, act for construction of drain in, and appropriating state swamp land for.....	801
Arenac Township:	
Arenac county, authorized to borrow money to improve highway.....	553
Argyle Township:	
Sanilac county, authorized to permit laying railway tracks across highways in, for electric roads.....	658
Athens Village:	
Calhoun county, certified statement of board of supervisors of, relative to the organization of.....	1224
Atherton Township:	
Oscoda county, vacated and territory incorporated with Big Creek township.....	188
Atlanta Village:	
act to provide for sale of state tax lands within.....	688

Au Gres Township:	
Arenac county, for construction of drain in, and appropriating state swamp land for..	801
Austin Township:	
Sanilac county, authorized to permit laying railway tracks across highways in, for electric road.....	658
Bangor Township:	
Bay county, act to incorporate public schools of, amended.....	548
Battle Creek City:	
charter of, amended.....	351
Bay City:	
act to authorize the board of education of union school district of, to issue bonds.....	3
union school district of, act to revise and amend, amended.....	671
charter of, amended.....	830
act to organize union school district of, amended.....	1079
Bay County:	
act to transfer money from contingent fund to general fund of board of county road commissioners.....	23
home mutual insurance company, risks of, to be assumed.....	210
to change the date of meetings of the board of supervisors of.....	266
act to provide for selecting and drawing jurors in, repealed.....	548
Bangor township in, act to incorporate public schools of, amended.....	548
act to constitute the president of the village of Essexville <i>ex officio</i> member of board of supervisors of.....	552
to provide fees for, and clerk thereof, in suits in circuit court.....	616
Hampton, Portsmouth and Merritt townships in, authorized to permit laying railway tracks across highways, etc.....	639
act to fix compensation of members of committees of board of supervisors of, amended chairman of board of supervisors of.....	906
establishing sinking fund for, and to provide tax for paying bonds.....	907
to establish bridge district in, amended.....	965
provide legal council for the board of county road commissioners of.....	961
establish bridge district and appoint commissioner in, amended.....	1080
1088	
Bear Creek Township:	
to provide cemetery board for.....	14
Crawford county, union school district of, organized.....	611
Berlin Township:	
St. Clair county, board of school inspectors of, authorized to rent schoolhouse.....	267
Big Creek Township:	
and Mentor, organized and incorporated into single school district.....	908
Blanchard Village:	
Isabella county, certified statement of the board of supervisors, relative to the vacating of.....	1228
Board of Control:	
of Michigan mining school, act to legalize conveyance of land by, to Florence E. Hubbell.....	960
Board of County Auditors:	
Wayne county, act to provide publication of claims allowed by, amended.....	636
Board of County Road Commissioners:	
of Bay county, act to provide legal council for.....	1080
Board of Education:	
of Bay City, union school district, authorized to issue bonds.....	3
Board of Health:	
of Detroit, act to establish, amended.....	637
Board of Supervisors:	
of Alcona county, authorized to issue bonds to pay matured orders.....	11
Bay county, act to change date of meeting of.....	286
Chippewa county, authorized to bond for money to pay for indebtedness.....	350
Emmet county, act constituting president of Harbor Springs village and mayor of Petoskey, <i>ex officio</i> members, repealed.....	530
of Saginaw county, authorized to pay its committee for services rendered during time not in session.....	536
Bay county, act to make president of village of Essexville in, <i>ex officio</i> member of.....	552
of Schoolcraft county, president of Manistique village in, to be <i>ex officio</i> member of.....	639
Bay county, act to fix compensation of members of committees of, amended chairman of.....	606
Emmet county, proceedings of, relative to the organization of Garfield township.....	1194
West Traverse township.....	1194
Leelanau county, proceedings of, relative to attaching certain unorganized territory to Leeland, Glen Arbor and Leelanau townships.....	1200
Ontonagon county, proceedings of relative to the organization of Matchwood township.....	1201
Schoolcraft county, proceedings of, relative to detaching territory from Harrison and attaching to Inwood township.....	1202
certified statement relative to change of boundaries of townships prior to 1896-7.....	1206-19
of Gladwin county, certified statement of, relative to the organization of Buckeye township.....	1206
Midland county, certified statement of, relative to the organization of Lincoln and Jasper townships.....	1207
Montmorency county, certified statement of, relative to the detaching of territory from Montmorency township and attaching to Briley township.....	1215

Board of Supervisors—Continued.

Muskegon county, certified statement of, relative to the organization of Eggleston township.....	6216
Alger county, certified statement of, relative to the organization of Munising village.....	1220
Antrim county, certified statement of, relative to the organization of the village of Central Lake.....	1222
Calhoun county, certified statement of, relative to the organization of the village of Athens.....	1224
Huron county, certified statement of, relative to the organization of the village of Elkton.....	1226
Isabella county, certified statement of, relative to the vacating of the village of Blanchard.....	1228
Lenawee county, certified statement of, relative to the organization of the village of Britton.....	1229
Wayne county, certified statement of, relative to the organization of the village of Delray.....	1230
Bonds:	
act to legalize, of Mecosta county.....	6
board of supervisors of Alcona county authorized to issue, to pay matured orders.....	11
act to legalize in Muskegon county.....	185
providing for issuing, by townships in Sanilac, Huron and Tuscola counties, for constructing drain.....	1089
Bourgett township:	
Gladwin county, organized.....	661
Bridge:	
act to enable Leroy township to pay for construction of.....	5
for construction of across Grand river in Plainfield township, Kent county.....	179
Dickinson county authorized to build, across Menominee river.....	633
act to authorize Antrim and Kalkaska counties to build across Torch river.....	954
Bridge Commissioners:	
act to provide for appointment of, in Bay county, amended.....	961
Bridge District:	
act to provide for establishment of, in Bay county, amended.....	961, 1088
Bridgehampton Township:	
Sanilac county, authorized to permit laying of railway tracks across highways.....	658
Bridgeport Township:	
Saginaw county, to provide for construction of drain through.....	674
Briley Township:	
Montmorency county, certified statement of board of supervisors relative to attaching territory to.....	1215
Britton Village:	
Lenawee county, certified statement of the board of supervisors of, relative to the organization of.....	1229
Buckeye Township:	
Gladwin county, certified statement of the board of supervisors relative to the organization of.....	1206
Buel Township:	
Sanilac county, authorized to permit laying railway tracks across highways.....	658
Burt Township:	
Alger county, authorized to borrow money.....	262
Burtchville Township:	
St. Clair county, authorized to permit laying of railway tracks across highways, for electric road.....	655
Cadillac City:	
charter of, amended.....	183
Calhoun County:	
certified statement of the board of supervisors of, relative to the organization of the village of Athens.....	1224
Caro Village:	
Tuscola county, common council of, authorized to permit railway tracks to be laid across the streets of.....	617
Carrollton Township:	
Saginaw county, authorized to borrow money to construct stone road.....	264
Cemetery Board:	
of Bear Creek and Resort township, Emmet county, board of health to convey real estate to.....	81
act to provide joint, for townships of Little Traverse, West Traverse and village of Harbor Springs.....	633
act to provide joint, for Little Traverse and West Traverse townships and Harbor Springs village, amended.....	1093
Central Lake Village:	
Antrim county, certified statement of the board of supervisors of, relative to the organization of.....	1222
Charlevoix County:	
Chandler township in, vacated and territory attached to Peaine township.....	346
Gallie township in, vacated and territory attached to Peaine township.....	267

Chandler Township:	
Charlevoix county, vacated and territory attached to Peaine township	346
Charters Amended or Revised:	
<i>Cities—</i>	
Adrian	82
Alpena	211, 540
Ann Arbor	1086
Battle Creek	351
Bay City	830
Cadillac	183
Cheboygan	546
Coldwater	537, 675
Detroit	162, 165, 531, 532, 539, 907, 956, 958, 1004, 1181, 1185, 1186
Flint	560
Gladstone	193
Grand Ledge	667
Grand Rapids	367
Ionia	224
Ishpeming	654
Jackson	512
Lansing	641
Lapeer	21
Marquette	249
Muskegon	268
North Muskegon	243
Owosso	177
Port Huron	302
Saginaw	962
Sault Ste. Marie	922
St. Clair	348
St. Joseph	261
Three Rivers	557, 324
Traverse City	620
West Bay City	689
Ypsilanti	683
<i>Villages—</i>	
Grant, Newaygo county	13
Sherwood, Branch county	22
Quincy, Branch county	20
Charters Granted:	
<i>Cities—</i>	
Ironwood, re-incorporated	26
Kalamazoo, re-incorporated	1096
Cheboygan City:	
Charter of, amended	546
board of education of, authorized to borrow money	829
Cheboygan County:	
Forest township, act to organize union school district in	673
Waverly township, act to organize union school district in	680
Hebron township in, act appropriating state swamp land for deepening Mud creek in	962
Chippewa County:	
to empower school district of Sault Ste. Marie in, to borrow money	167
board of supervisors of, authorized to bond for money to pay indebtedness	350
Circuit Court:	
of Bay county, act to provide for payment of fees to, and clerk of said county, for suits and proceedings in	616
City:	
of Adrian, charter of amended	82
act to incorporate public schools of, amended	686
Alpena, act to organize union school district in, amended	23
provide for registration of electors in	25
charter of, amended	211, 540
Ann Arbor, charter of, amended	1086
Battle Creek, charter of, amended	351
Bay City, union school district, act to revise and amend, amended	671
charter of, amended	830
Cadillac, charter of, amended	183
Cheboygan, charter of, amended	546
board of education of, authorized to borrow money	829
Coldwater, charter of, amended	537, 675
Detroit, act to create a fire commission in, amended	543, 668
establish board of health for, amended	637
amend the law relative to supplying, with pure water, amended	1183
charter of, amended	162, 165, 531, 532, 539, 907, 956, 958, 1004, 1181, 1185, 1186
Flint, charter of, amended	560
Gladstone, charter of, amended	193
act authorizing, to borrow money, amended	346
Grand Ledge, charter of, amended	667
Grand Rapids, act relative to justice courts in, amended	166
charter of, amended	367
authorized to issue bonds for improvement of Grand river	621
Ionia, charter of, amended	224

City—Continued.

of Iron Mountain, authorized to appropriate money for construction of highway through Breitung township	511
Ironwood, re-incorporated	26
Ishpeming, charter of, amended	654
Jackson, charter of, amended	512
Kalamazoo, re-incorporated	1006
Lansing, charter of, amended	641
Lapeer, charter of, amended	21
Ludington, to empower school district No. 1 to borrow money	176
Muskegon, to legalize taxes assessed in charter of, amended	18
Marquette, act to create a light and power commission	268
Marquette, charter of, amended	237
Negaunee, act to legalize sewer assessment of	249
Negaunee, act to legalize sewer assessment of	178
North Muskegon, act to legalize taxes of 1896 and 1896 in charter of, amended	180
North Muskegon, act to legalize taxes of 1896 and 1896 in charter of, amended	245
Owosso, charter of, amended	177
Owosso, territory detached from union school district in, and attached to fractional district number four	179
Petoskey, act to provide cemetery board for	14
Port Huron, charter of, amended	802
Saginaw, act to legalize assessment and tax roll of	81
Saginaw, authorized to borrow money to refund sewer bonds	665
Saginaw, charter of, amended	902
Sault Ste. Marie, school district of, act empowering to borrow money	167
Sault Ste. Marie, authorized to borrow money to pay outstanding indebtedness	557
Sault Ste. Marie, charter of, amended	921
St. Joseph, charter of, amended	348
St. Clair, charter of, amended	968
Sturgis, act authorizing to borrow money for public improvements	184
Tawas, authorized to borrow money	557, 824
Three Rivers, charter of, amended	824
Traverse, charter of, amended	620
West Bay City, charter of, amended	689
Ypsilanti, charter of, amended	683
Cities:	
and townships in Lapeer county, act to make liable for payment of claims incurred in care of persons sick with contagious diseases	550
Clare County:	
proceedings of board of supervisors relative to the organization of Garfield township ..	1191
Clement Township:	
Gladwin county, territory detached from	661
Clinton County:	
Maple river in, to remove obstructions in, and deepen channel	662
Clyde Township:	
St. Clair county, authorized to permit railway tracks to be laid across highways in	655
Coldwater City:	
charter of, amended	557, 675
Colfax Township:	
Huron county, union school district number six in, organized	263
Columbia Township:	
Tuscola county, authorized to permit laying railway tracks across highways in, for electric road	659
Commissioner of State Land Office:	
act authorizing, to issue patent of certain land to Phases Shannon	921
Committees:	
act to fix compensation of, of board of supervisors of Bay county, amended	906
County Road Commissioners:	
of Bay county, act providing for transfer of money to, from contingent fund	23
Custer Township:	
Sanilac county, authorized to permit laying of railway tracks across highways	658
Crawford County:	
act to legalize records of title in	530
Beaver Creek township in, union school district of, organized	611
Dayton Township:	
Tuscola county, authorized to permit laying of railway tracks across highways in, for electric road	659
Delta County:	
Gladstone city in, act authorizing to borrow money, amended	346
Delray Village:	
Wayne county, certified statement of the board of supervisors of, relative to the organization of	1230
Detroit City:	
act to create a fire commission in, amended	543, 668
establish board of health for, amended	637
amend the law relative to supplying city with pure water, amended	1183
charter amended	162, 165, 531, 532, 539, 907, 956, 958, 1094, 1181, 1185, 1186

Detroit and Erin Plank Road Company: act to incorporate, amended.....	668
Dickinson County: with authorities of Wisconsin, authorized to build bridge across Menominee river.....	633
Drain: act providing for raising money to construct in Sanilac, Huron and Tuscola counties..	1069
East Grand Rapids Village: Kent county, territory detached from	80
Ecorse Township: Wayne county, act to provide for election of overseer of highways by ballot, repealed. appointment of two clerks by township board in for extending tax roll, repealed..... facilitate construction of sidewalks in, amended..... provide for payment of salary to certain township officers	9 9 10 186
Eggleston Township: Muskegon county, certified statement of board of supervisors relative to the organiza- tion of.....	1216
Elba Township: Gratiot county, to remove obstructions and deepen Maple river in	662
Electric Railway: acts permitting the laying of tracks across highways for, etc.....	655, 657, 658, 659
Elkland Township: Tuscola county, authorized to permit laying railway tracks across highways in, for electric road.....	659
Elkton Village: Huron county, certified statement of board of supervisors of, relative to the organiza- tion of.....	1226
Ellington township: Tuscola county, authorized to prevent laying of railway tracks across highways in, for electric road.....	659
Elmer Township: Sanilac county, to authorize laying of railway tracks across highways.....	656
Elmwood Township: Tuscola county, authorized to permit laying of railway tracks across highways in, for electric road.....	659
Emmet County: Resort, Bear Creek township, and city of Petoskey in, act to provide cemetery board for. Bear Creek and Resort township in, board of health of, to convey real estate to Green- wood cemetery board..... act making president of Harbor Springs and mayor of Petoskey <i>ex-officio</i> members of board of supervisors of, amended..... to provide joint cemetery board for Little Traverse, West Traverse and village of Harbor Springs in..... West Traverse and Little Traverse township in, board of health of, to convey real estate to Lake View cemetery board..... act to provide cemetery board for certain townships and villages in, amended..... proceedings of board of supervisors of, relative to detaching territory from Friendship and Little Traverse townships and organizing West Traverse.....	14 81 530 633 1092 1093 1194
Essex Township: Clinton county, to remove obstructions and deepen Maple river in.....	662
Essexville Village: Bay county, act to make president of, <i>ex-officio</i> member board of supervisors	552
Fair Grove Township: Tuscola county, authorized to permit laying of railway tracks across highways of, for electric road.....	659
Farwell Village: authorized to compromise and refund its indebtedness.....	666
Flint City: charter of, amended	560
Forest Township: Cheboygan county, act organizing union school district in.....	678
Fort Gratiot Township: St. Clair county, act authorizing the laying of railway tracks across highways.....	655
Foster Township: Ogemaw county, to incorporate the public schools of.....	638
Friendship Township: proceeding of board of supervisors, relative to detaching territory from for the organ- ization of West Traverse township.....	1194
Fulton Township: Gratiot county, to remove obstructions and deepen Maple river.....	662
Galliee Township: Charlevoix county, vacated and territory attached to Peaine township.....	267
Garfield Township: Proceedings of board of supervisors relative to organization of.....	1191

Genesee County:	
Probate court of, appointment of stenographer for.....	684
Gilford Township:	
Tuscola county, authorized to permit laying of railway tracks across highways for electric road.....	659
Gladstone City:	
charter of, amended.....	198
act authorizing, to borrow money, amended.....	346
Gladwin County:	
Gladwin and Clement townships in, territory detached from.....	661
township in, authorized to borrow money.....	682
certified statement of the board of supervisors of, relative to the organization of Buckeye township.....	1206
Gladwin Township:	
Gladwin county, territory detached from.....	661
authorized to borrow money.....	682
Glen Arbor Township:	
Leelanau county, proceedings of board of supervisors relative to attaching certain unorganized territory to.....	1200
Gogebic County:	
public school of Ironwood city in, incorporated.....	189
Grand Ledge City:	
charter of, amended.....	667
Grand Rapids City:	
act relative to justice courts in, amended.....	161
charter of, amended.....	387
authorized to issue bonds for improvement of Grand river.....	628
Grant Township:	
St. Clair county, authorized to permit railway tracks to be laid across its highways....	655
Grant Village:	
Newaygo county, charter of, amended.....	13
Gratiot County:	
Maple river in, to remove obstructions in, and deepen channel of.....	662
North Star township, act incorporating public school district No. 9.....	951
Greenleaf Township:	
Sanilac county, authorized to permit laying of railway tracks across highways.....	658
Greenwood Township:	
Oscoda county, vacated and territory incorporated with Elmer township.....	190
Hadley Village:	
Lapeer county, act to vacate.....	175
Hampton Township:	
Bay county, to permit laying of railway tracks across highways of.....	639
Hancock Township:	
Houghton county, act providing four voting precincts for.....	618
Harbor Springs Village:	
to repeal act constituting president of, <i>ex officio</i> member of the board of supervisors of Emmet county.....	530
act to provide cemetery board for, amended.....	1093
Harmon Township:	
Oscoda county, vacated and territory incorporated with Big Creek township.....	188
Harrison Township:	
Schoolcraft county, proceedings of board of supervisors of, relative to detaching territory from.....	1202
Hebron Township:	
Cheboygan county, act appropriating state swamp land for deepening Mud creek in....	962
Herman, Rose Theresa:	
name changed to, from Rose Theresa Sootofskie.....	7
Hill Township:	
Ogemaw county, authorized to borrow money.....	13
Home Mutual Insurance Company:	
to reinsure risks of home mutual fire insurance company of Bay, Arenac and Ogemaw counties.....	210
Houghton County:	
Laurium village in, authorized to borrow money.....	187
Hancock township in, act to provide four voting precincts for.....	618
Houghton Village:	
act to authorize the common council of, to convey right to mine certain minerals.....	7
Hubbell, Florence E.:	
act to legalize conveyance of land to, by the board of control of the Michigan mining school.....	960

Huron County:	
townships in, act making liable for care of persons sick with contagious diseases.....	11
Colfax township in, union school district No. 6 organized.....	263
Sand Beach village in, authorized to borrow money to erect water-works.....	388, 551
to permit laying tracks and operating railways through certain townships and villages in	657
act providing for issuing bonds for constructing drain in.....	1089
certified statement of the board of supervisors of, relative to the organization of the	
village of Elkton.....	1226
Hutchinson, Margaret Matilda:	
name changed to Margaret Matilda Shearer.....	266
Indian Fields Township:	
Tuscola county, authorized to permit laying of railway tracks across highways in, for	
electric road.....	659
Ingham County:	
act to enable Leroy township in, to pay for construction of certain bridges.....	5
Inwood Township:	
Schoolcraft county, proceedings of board of supervisors of, relative to attaching ter-	
ritory to from Harrison township.....	1202
Ionia City:	
charter of, amended.....	224
Iosco County:	
Tawas township in, authorized to borrow money.....	183
Iron Mountain City:	
to appropriate money for construction of highway through township of Breitung.....	511
Ironwood City:	
incorporated.....	26
Gogebic county, public schools of, incorporated.....	189
Isabella County:	
certified statement of the board of supervisors of, relative to the vacating of the vil-	
lage of Blanchard.....	1228
Ishpeming City:	
charter of, amended.....	654
Jackson City:	
charter of, amended.....	512
school districts Nos. 1 and 17 in, and Blackman and Summit township, act to consolidate	913
Jasper Township:	
Midland county, certified statement of the board of supervisors of, relative to its	
organization.....	1207
James Township:	
Saginaw county, authorized to borrow money to strengthen "Merrill bridge".....	534
Jurors:	
act to provide for selecting and drawing in Bay county; repealed.....	548
Kalamazoo City:	
act reincorporating.....	1096
Kalamazoo County:	
act to appoint assistant prosecuting attorney for.....	24
Kalkaska County:	
act authorizing the issue by the state land commissioner of patent of certain lands	
in, to Phases Shannon.....	921
act authorizing, to build bridge across Torch river.....	954
Kent County:	
village of East Grand Rapids in, territory detached from.....	80
Plainfield township, act to provide for construction of bridge across Grand river.....	179
Ada township in, act to provide for construction of bridge across Grand river.....	185
act to provide for compensation for certain officers of, amended.....	544
Kingston Township:	
Tuscola county, authorized to permit laying of railway tracks across highways for	
electric road.....	659
Koylton Township:	
Tuscola county, authorized to permit laying of railway tracks across highways in,	
for electric road.....	659
Lake Linden Village:	
common council of, authorized to acquire or purchase property and erect and main-	
tain water-works, etc.....	542
Lake View Cemetery Board:	
act authorizing board of health of West Traverse and Little Traverse to convey real	
estate to.....	1092
Lamotte Township:	
Sanilac county, to authorize laying railway track across highways.....	658
Lansing City:	
charter of, amended.....	641
Lapeer City:	
charter of amended.....	21
Lapeer County:	
Hadley village in, act to vacate.....	175
act to make townships and cities in, liable for payment of claims incurred for care of	
persons sick with contagious diseases.....	550
probate court in, act to appoint stenographer for, and fix compensation and duties....	698

Laurium Village: Houghton county, authorized to borrow money.....	187
Leak, John: treasurer of Claybank township, Oceana county, act for relief of	384
Leelanau Township: Leelanau county, proceedings of board of supervisors relative to attaching certain unorganized territory to.....	1200
Leland Township: Leelanau county, proceedings of board of supervisors relative to attaching certain unorganized territory to.....	1200
Lenawee County: certified statement of the board of supervisors of, relative to the organization of the village of Britton.....	1229
Leroy Township: Ingham county, act to enable, to pay for certain bridges.....	5
Lexington Township: Sanilac county, authorized to permit laying railway tracks across highways.....	648
Light and Power Commission: to create for Marquette city.....	237
Lincoln Township: Midland County, certified statement of the board of supervisors of, relative to its organization.....	1207
Little Traverse Township: Emmet county, board of health of, to convey real estate to Lake View cemetery board act to provide cemetery board for, amended.....	1092 1093
proceedings of board of supervisors, relative to detaching territory from, to organize West Traverse township	1194
Lockport Township: township board of, authorized to sell public library	610
Ludington City: school district No. 1 in, authorized to borrow money	176
MacKinzie, Concreta: name changed to, from Concreta McCarty.....	10
MacKinzie, George: name changed to, from George McCarty	10
MacKinzie, Joseph A.: name changed to, from Joseph A. McCarty.....	10
MacKinzie, Lillie M.: name changed to, from Lillie M. McCarty.....	10
MacKinzie, Malcolm: name changed to, from Malcolm McCarty.....	10
MacKinzie, Rozilla: name changed to, from Rozilla McCarty.....	10
Macomb County: Sterling township in, act organizing school district No. 10	801
Manistique Village: Schoolcraft county, act making president of, <i>ex-officio</i> member board of supervisors ...	639
Maple River: in Clinton and Gratiot, act to remove obstructions in and deepen channel.....	662
Marlette Township: Sanilac county, to authorize laying of railway tracks across highway	658
Marquette City: act to create a light and power commission for	237
charter of, amended	249
Marquette County: Negaunee city in, act legalizing sewer assessments of	178
township in, territory detached from and attached to Richmond township ..	181
Mason County: act to legalize returns of delinquent taxes by county treasurer	674
Matchwood Township: Ontonagon county, proceedings of the board of supervisors of, relative to the organization of	1201
McCarty, Concreta: name changed to Concreta MacKinzie.....	10
McCarty, George: name changed to George MacKinzie	10
McCarty, Joseph A.: name changed to Joseph A. MacKinzie.....	10
McCarty, Lillie M.: name changed to Lillie M. MacKinzie.....	10
McCarty, Malcolm: name changed to Malcolm MacKinzie	10
McCarty, Rozilla: name changed to Rozilla MacKinzie.....	10
Meosota County: act to legalize certain bonds of.....	6

Menominee County:	
Stephenson township in, to provide additional voting precinct for.....	347
Mentor Township:	
and Big Creek township, organized and incorporated into single school district.....	908
Metals and Minerals:	
act to authorize the common council of Houghton village to convey the right to mine.....	7
Michigan Mining School:	
act to legalize conveyance of land by board of control of, to Florence E. Hubbell.....	960
Midland County:	
agricultural society, authorized to borrow money.....	168
certified statement of the board of supervisors of, relative to the organization of Lincoln and Jasper townships.....	1207
Montmorency Township:	
Montmorency County, certified statement of board of supervisors, relative to detaching territory from and attaching to Briley township.....	1215
Mount Pindus Township:	
Oscoda county, vacated, and territory incorporated with Big Creek township.....	188
Moore Township:	
Sanilac county, to authorize laying of railway tracks across highways.....	658
Munising Village:	
Alger county, authorized to borrow money.....	166
certified statement of board of supervisors relative to the organization of.....	1220
Muskegon City:	
charter of, amended.....	268
Muskegon County:	
to provide for extension of Whitehall and Holton road.....	17
legalize certain bonds of.....	186
certified statement of board of supervisors of, relative to the organization of Eggleston township.....	1216
Name Changed:	
Rose Theresa Sootofskie to Rose Theresa Herman.....	7
Concreta McCarty to Concreta MacKinzie.....	10
George McCarty to George MacKinzie.....	10
Joseph A. McCarty to Joseph A. MacKinzie.....	10
Lillie M. McCarty to Lillie M. MacKinzie.....	10
Malcolm McCarty to Malcolm MacKenzie.....	10
Rozilla McCarty to Rozilla MacKinzie.....	10
Margaret Matilda Hutchinson to Margaret Matilda Shearer.....	266
Negaunee City:	
to legalize sewer assessment of.....	178
Negaunee Township:	
Marquette county, territory detached from and attached to Richmond township.....	181
Newaygo County:	
Grant village in, charter of, amended.....	13
North Muskegon City:	
to legalize taxes of, for years 1896-6.....	180
charter of, amended.....	243
North Star Township:	
Gratiot county, school district No. 9 in, incorporated.....	961
Northville Township:	
Wayne county, act to organize.....	552
Oakland County:	
agricultural society, act to legalize proceedings of, to sell its real estate.....	3
Oceana County:	
act for relief of John Leak, treasurer of Claybank township in.....	384
Officers:	
of Kent county, act to provide compensation of, etc., amended.....	544
Ogemaw County:	
Hill township in, authorized to borrow money.....	13
home mutual insurance company of, risk of to be assumed, etc.....	210
Foster township in, act incorporating the public schools of.....	623
Ontonagon County:	
proceedings of board of supervisors of, relative to the organization of Matchwood township.....	1201
Oscoda County:	
townships of Mount Pindus, Atherton and Harmon vacated and territory incorporated with Big Creek township.....	188
Greenwood township in, vacated and territory incorporated with Elmer township.....	190
Owosso City:	
charter of, amended.....	177
to detach territory from union school district and attach to district No. 4.....	179
Petoskey City:	
act constituting mayor of, <i>ex-officio</i> member board of supervisors of Emmet county, amended.....	530
Pine Plains Township:	
Allegan county, name of, changed to Valley township.....	80
Plainfield Township:	
Kent county, act to provide for construction of bridge across Grand river in.....	179

Plank Road Company:	
Detroit and Erin, act to incorporate, amended.....	688
Plymouth Township:	
Wayne county, territory detached from.....	552
Poor:	
act regulating care of in St. Clair county.....	175
Port Huron City:	
charter of, amended.....	802
Port Huron Township:	
St. Clair county, authorized to permit railway tracks to be laid across highways in....	655
Portsmouth Township:	
Bay county, to permit laying of railway tracks across highways of.....	639
Probate Court:	
of Lapeer county, act to appoint stenographer for, and fix compensation of.....	668
Genesee county, appointment of stenographer for.....	684
Prosecuting Attorney:	
assistant, for Kalamazoo county, act appointing.....	24
Public Schools:	
of Ironwood, Gogebic county, incorporated.....	189
Bangor township, Bay county, act to incorporate, amended.....	548
the city of Adrian, act to incorporate, amended.....	686
Quincy Village:	
Branch county, charter of, amended.....	20
Registration of Electors:	
for Alpena city, act to provide for.....	25
Resort Township:	
Emmet county, act providing cemetery board for.....	14
Riley Township:	
St. Clair county, board of school inspectors of, authorized to rent schoolhouse.....	267
Roscommon Village:	
Roscommon county, act making president of, <i>ex officio</i> member board of supervisors...	628
Saginaw City:	
act to legalize assessment and tax rolls of.....	81
authorized to borrow money to refund sewer bonds.....	665
charter of, amended.....	902
Saginaw County:	
Carrollton township in, authorized to borrow money to build stone roads.....	264
James township in, authorized to borrow money to strengthen "Merrill bridge".....	534
board of supervisors of, act authorizing, to pay its committees for service when not in session.....	536
to provide a drain through certain townships in.....	674
Saginaw, West Side:	
union school district of, charter of, amended.....	1080
Sand Beach Village:	
Huron county, authorized to borrow money to build water-works.....	383, 551
Sanilac County:	
authorized to permit the laying of railway track across highways for electric road.....	658
Worth township in, school district No. 7 of, disorganized and territory attached to Nos. 3 and 8.....	683
act providing for issuing bonds for constructing drain in.....	1080
Sanilac Township:	
Sanilac county, authorized to permit laying of railway tracks across highways.....	658
Sault Ste. Marie City:	
school district of, empowered to borrow money.....	167
authorized to borrow money to pay outstanding indebtedness.....	556
charter of, amended.....	921
Schoolcraft County:	
Manistique village in, act to make president of, <i>ex officio</i> member board of supervisors. proceedings of board of supervisors of, relative to detaching territory from Harrison and attaching to Inwood township.....	639
	1202
School District:	
union, of Bay City, board of education of, authorized to issue bonds.....	3
Alpena City, act to organize, amended.....	23
of Sault Ste. Marie, empowered to borrow money.....	167
No. 1 of Ludington, empowered to borrow money.....	176
union, of Owosso city, to detach territory from and attach to district No. 4.....	179
No. 5 of Yates, and Cherry Valley townships, consolidated with No. 1 of Cherry Valley	182
No. 7 in Worth township, Sanilac county, disorganized and territory attached to Nos. 3 and 8.....	683
organized in Sterling township, Arenac county.....	801
single, act to organize and incorporate Big Creek and Mentor townships into.....	908
Nos. 1 and 17 of Jackson city and townships of Blackman and Summit, act to consolidate	913
No. 9 of North Star township, Gratiot county, incorporated.....	951
union, of Bay City, act to organize, amended.....	1079
Shannon, Phases:	
act authorizing the commissioner of state land office to issue patent of certain land to	921
Shearer, Margaret Matilda:	
name changed to, from Margaret Matilda Hutchinson.....	266

